

# The Nation.

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## The Week.

THE event of the past week has been the publication of the correspondence between Lord Russell and Mr. Adams. We have had a good illustration of the way in which the Washington telegrams are cooked up for the morning papers, in the fact that they contained the announcement on Friday that there had been a protracted Cabinet meeting held for the discussion of the affair, as if the correspondence were as new to the Cabinet as to the general public. Mr. Adams's last letter was written September 18, and has probably been in Mr. Seward's hands for two or three weeks. Abler diplomatic writing than Mr. Adams's has not appeared for many a day. The only improvement traceable in Lord Russell's is in temper. The fact appears in every line of his despatches as plain as a pikestaff, that the earlier policy of the English ministry was distorted by a mistaken estimate of the comparative strength of the belligerents; that they were under the impression that a new power was rising into existence in the Americas, with which they were desirous of establishing friendly relations, and acted accordingly; that they now see their mistake, and are very sorry, but will not make reparation. This is, of course, true only of the moderates who, like Russell himself, were not animated by positive hatred of the North. Some things in Mr. Adams's letter are almost cruel, such as his reply to his lordship's congratulations on the abolition of slavery.

A CONTROVERSY has been raging for nearly a week in the *Times*, *Evening Post*, and *World* as to whether Thurlow Weed did or did not "spurn" the proffered hand of Lucius Robinson on a certain day at "the south door of the Albany State House." No decision has as yet been reached, or is likely to be reached; and in the meantime the gravity with which the discussion is carried on is inexpressibly ludicrous. If Mr. Weed be as much impressed, as to judge from his letters to the newspapers he seems to be, with the importance of his own sayings, doings, and feelings to the general public, we would recommend the weekly or daily issue of a little sheet devoted exclusively to that subject. Most readers would prefer taking their daily dose of Weediana separate from the morning news.

Two recent judicial decisions are worthy of being recorded at this time. Three cases came up from the Supreme Court of this State to the Court of Appeals, involving the right of the State to tax the shareholders in national banks to the amount of their stock. The judgment was in favor of this power. The court admitted that the banking corporations themselves are not liable to taxation, in that they are instruments of the Federal Government, which, within the authority of the

Constitution, is superior to the enactments of the several States. It is these corporations which are meant when the *bonds* of the United States are declared exempt from taxation—an elliptical expression for the owners thereof. The interest of an individual stockholder is collateral merely, and not proprietary, and that interest may be fairly taxed for the benefit of the State. The other decision to which we had reference is that of Judge Smalley, of the United States District Court for Vermont, who pronounces unconstitutional Section 4 of the Act of March 3, 1863 (empowering the President, during the rebellion, "to suspend the privilege of the writ of habeas corpus in any case throughout the United States, or any part thereof"), which is as follows:

"*And be it further enacted*, That any order of the President, or under his authority, made at any time during the existence of the present rebellion, shall be a defence in all courts to any action or prosecution, civil or criminal, pending or to be commenced, for any search, seizure, arrest, or imprisonment made, done, or committed, or acts omitted to be done, under and by virtue of such order, or under color of any law of Congress, and such defence may be made by special plea, or under the general issue."

ANOTHER horrible accident on a Hudson River steamer makes it plain that something must be done to protect human life on rivers and railroads. And we can think of no remedy better than a modification of a police regulation which prevails, we believe, in Russia, under which, if an injury is inflicted on anybody by a vehicle in motion, no excuse is asked for or accepted from the driver or owner; he has to pay a fine as a *matter of course*. Now, what we want here is a mandatory law, compelling the attorney-general or district-attorney either of the State or of the United States to enter up judgment for a certain sum against any steamboat company or railroad company in whose vessel or on whose line a life is lost or injury sustained, and no discretion should be left to anybody as to the enforcement of the penalty. We shall give some reasons in our next for believing that this power can be and ought to be entrusted to the general Government.

THE *New York Times* publishes a letter from Mr. Edwin James to "a member of the British Cabinet" on the *Alabama* outrages, as something "well worthy of insertion." This is a very amusing waste of space. A letter from the Count Joannes to a member of the Austrian Camarilla, recommending the evacuation of Venice, would be about as important. What does Stephen H. Branch think about it?

SIR MORTON PETO and his friends are probably the first men who have ever had the term of "capitalist" applied to them as a kind of professional title. Wherever they have gone through the country they have been known by it, as if the possession of capital was a calling people could enter at pleasure, which it unfortunately is not. It would doubtless horrify the Westerners whom Mr. Greeley and the scarcity of money have taught to consider usury as a crime next in rank to theft or burglary, to know that there is not one of the "capitalists" who has the least hesitation in taking as much interest for his money as he can get anybody to give him.

WE are as a people proverbially restless, with whom, as with Milton's shepherd, it is ever "to-morrow to fresh woods and pastures new." Hitherto the courses of migration have been tolerably definite and mainly from east to west. To-day they lead in all directions, including the long debarring South. In Indians there is a movement towards Missouri amongst the better portion of its population, but this exodus is more than balanced, numerically, by the influx from over the river. We do not refer now to the negroes enabled to remove by General Palmer's passes, but to the whites. There has always been a kind of endos-

mosis between the States which border on the Ohio, and the flow northward seems now to be renewed with an activity proportioned to the counter-current excited by the abolition of slavery. The exchange is not relished by the citizens of Indiana, and we notice an appeal from the Germans for encouragement of European immigration.

THE *World* urges as much haste as possible in the reconstruction business, so that we may be ready next winter for a war with England, and it considers the Democratic party just the men to be charged with the conduct of these hostilities. It says also that the South is as much enraged with England as we are, and if reconstruction be consummated in December, will lend a helping hand. Of course it will, and we could not in common decency decline the services of such men as Lee, Johnston, Longstreet, Hood, and Wade Hampton, or refuse them their Confederate rank in our service. Governor Humphreys insinuates a complaint in his message to the Mississippi Legislature that we do not pension the scarred veterans of that State who have been fighting us. This matter might as well be settled next winter also.

ONE of the most curious signs of the times is (Catholic) Archbishop Cullen's advising the Irish to prepare for the cholera by general cleansing and fumigation. Ten or twenty years ago the same prelate would have scorned to recommend reliance on such ignoble, because carnal, means of safety, and would have counselled resort to prayer and penance. But science begins to tell even on him.

THERE are now two great loans about to be put on the market; one is that of the "Irish Republic," and the other that of the Mexican Republic. The Irish propose, we believe, to place no limit to their borrowing, but will supply well engraved bonds, neatly and tastefully illustrated, to as many careful investors as choose to apply and pay for them. The Mexicans ask for thirty millions, and offer as security an enormous quantity of lands not now in possession of the republic, and sixty per cent. of customs duties which are at present levied by his Imperial Majesty Maximilian. The bonds are to bear seven per cent. interest in gold, and are recommended by John W. Corlies & Co. to various classes of persons, amongst others to those "who are desirous of holding them simply as an investment." Business is business, and while wishing the Mexican Republic a speedy release from its present troubles, we would advise those to whom it is of importance to have the interest on their capital regularly paid to avoid making advances to either of these borrowers, until the United States have signified their intention of setting them up in business.

GENERAL IMBODEN, late of the Confederate service, is now in New York, raising funds for the establishment of a great express company in the South. When he last appeared in print during the war, he was proposing to strew Western Virginia with "vandal carcasses," meaning the bodies of Unionists. When one reads some of the speeches of the Southern chiefs during the war, one wonders how they are not ashamed to sit at tables, eat bread-and-butter, and do the ordinary work of life like the rest of us. Mr. Toombs, of Georgia, solemnly promised on paper, only a year ago, to sacrifice himself when "all was lost," but is still alive and, we presume, in good health. Jefferson Davis, too, pledged himself under his own hand, in 1860, that if war broke out, a "small mound on the borders of his State would show where he and some of his neighbors met the enemy." The "mound," we will wager, is not visible, and he apparently means to keep out of it as long as he can.

THAT portion of Gov. Humphreys' inaugural address to the Mississippi Legislature which we quoted last week, proves, now that the entire document has reached the North, to have been an "elegant extract," by no means to be taken as a sample of what was left unreported. Thus the late rebel general, having announced that "to work is the law of God," with special reference to the negro, proceeds to point out the necessity of compelling him to choose some employment, and if that be in cultivating the great Southern staples, which require con-

tinuous labor from the beginning to the end of the year, to stick to it uninterruptedly. But then, "if he attempts to escape, he should be returned to his employer, and forced to work until the time for which he has contracted has expired." This is the odor of slavery still hanging about the shattered vase of Southern society. The martial governor also trusts "that the lessons taught by the rebellion will not be lost either to the North or the South—that freemen, once enlightened, will not submit to wrong or injustice—that sectional aggression will meet with sectional resistance—and that the price of political perfidy is blood and carnage." Evidently here is a pupil who needs to be put to school again; but instead, he receives a diploma of promotion from the President's own hands. It seems to us that the inference of *The South*, a disloyal sheet now published in New Orleans, is fully justified in this instance. After recalling Gen. Humphreys' consistent support of the rebellion, and the influence which this had in diminishing the vote which made him governor, by reason of his supposed ineligibility, *The South* says:

"Andrew Johnson appreciates such men as Gen. Humphreys. He knows that such men are the best reconstructionists. They have influence with the people. And so, Andrew Johnson immediately telegraphed to Gov. Sharkey that the governor elect was pardoned and made eligible."

What follows, in the opinion of this same newspaper? Why, that the President wants "no milk-and-water men sent to Washington," but "prefers men who truly represent the interests, the affections, the sympathies, of the great body of the Southern people." These, too, "the Democratic party at the North will open its big arms to receive." There is only one more striking commentary on the President's policy which the week has afforded; and that is the election of Wade Hampton to the governorship of South Carolina. For we shall not except the sanguine Perry's dictum, by which he seeks to hasten the election of representatives:

"Should those elected be in Washington with their credentials when the clerk calls the roll, they cannot be excluded more than those from Massachusetts. No man in South Carolina can take the test oath without perjury. It is not the policy of the President to enforce this, and I believe that it is not the policy of Congress."

And the following telegram, which covers the case of about thirty-four members elect of the Georgia Convention, is likewise of secondary importance:

WASHINGTON, October 18, 1865.  
GOVERNOR J. JOHNSON: Your letter of the 7th was received. Send a list of the members elected to the convention in order that pardons may be issued and the amnesty oath may be obtained by the members.  
W. HUNTER, Acting Secretary.

"IF Lee is fit to be president of a college," said Wendell Phillips in his speech at the Cooper Institute last week, "then for heaven's sake pardon Wirtz and make him professor of what the Scotch call 'the humanities.'" It is indeed most discreditable that the responsibility of Gen. Lee for the systematic starvation and maltreatment of Union prisoners in Southern keeping should ever be overlooked in an estimate of his character. That he has submitted quietly to Northern supremacy is not more astonishing nor praiseworthy than that he should know when he was beaten by Grant. His acceptance of the presidency of a college cannot be applauded as if he had merely assumed the direction of a railroad; for he undertakes to teach what he does not know, and must be conscious he does not know.

By proclamation of the President, the first Thursday of December is appointed a day of national thanksgiving.

THE latest theory of New England's advocacy of negro suffrage is that of Gen. Frank P. Blair, at Rolla, Missouri. In his own elegant language:

"New England has had a very good time during this war with high tariffs. They laid the tariff on us, while the manufacturers of New England have been coining the money. They do not want the South to come back in the shape of white men, who have always been against the protective system, but they want them to come back with these negroes under the guidance of these New England men, so that they can maintain their political possession of the Government of the United States, and also that they may be able to pass these tariff laws, which

make us of the West the 'hewers of wood and the drawers of water' for these lords of the loom. These Yankees, my friends, there is one thing peculiar about them, they have always got an eye to the main chance. [Laughter.] They will talk very prettily—fine sentiments—very pious, and all that sort of thing; but they never forget—it is a religious duty with them never to forget—an eye to the main chance. They are now rolling in wealth, at a period of time when we in the West have been suffering from every sort of distress. They are rolling in wealth throughout New England, which has been amassed during this war, and they want the privilege of continuing that same aggrandizement by obtaining political power. Their principal men want the negro to be made a voter in the South, because they think New England will control the vote of the negro, and so their ambitious men are striving to accomplish their object by declaring that the negroes are the only loyal men in the South, and therefore should be allowed to vote, while the white men, who are all rebels, should be deprived of the right."

It will scarcely be believed that this reasoning was suggested to the orator by an allusion to the Connecticut election, with which, nevertheless, he prefaced it. Nor can it be claimed, in this instance, that the exception proves the rule; for where, if not in Connecticut, shall we find the typical Yankee—the man of thrift and of psalms—who annoyed the burghers of Manhattan with the odor of his Wethersfield onions, and cheated the South with his wooden clocks and wooden nutmegs? where else in New England are there manufactures, and by consequence manufacturers "rolling in wealth"? If the citizens of this State forget for a moment "the main chance" and pecuniary "aggrandizement," the general may as well abandon his theory. He would build more safely on such facts as the recent admission of a young colored man to Harvard College, and his winning the second prize for declamation against the competition of his classmates; or the promotion of a colored lad at the Phillips Academy, Exeter, N. H., above two Kentucky applicants at the same examination, who were mortified into leaving the institution on that account.

ONE of the results of the late teachers' meeting at Harrisburg was the forming of a national association of school superintendents, with Mr. B. G. Northrop, of Massachusetts, at its head, and Mr. L. Van Bokkelen, of Maryland, secretary. The gentlemen who are thus united together will assemble for the first time in Washington, on the 6th of February next, in the Old Theatre, or Campbell Hospital, on Seventh Street. What is to be the scope and what the influence of their action may be learned from their programme, which embraces a paper by Major-General Howard; another by Hon. Chas. R. Coburn, State Superintendent of Pennsylvania, on school statistics—their value, the points of enquiry, and the mode of obtaining them; a third by the secretary, on the practicability of greater uniformity in the school systems of the different States; a fourth by Hon. E. E. White, State Superintendent of Ohio, on a national bureau of education; a fifth by Hon. J. White, secretary of the Massachusetts Board of Education, on free schools as an essential part of each State school system. With these topics there will also come up for discussion the cost *per capita* of education in the different States; the leading features of a model State school system; and the greatest defect of prevailing systems.

AMONG the opinions expressed to Gen. Howard in his passage through North Carolina, by well-informed persons, was one that public sentiment was less disposed now to grant the negro his rights than several months ago. The reasons alleged were the moderated tone and demands of the Federal Government, the restoration to wealth of leading rebels by pardon, and the result of the Connecticut election. Gen. Howard left Charleston for Columbia on the 20th ult. Two days previous, he attended an extra meeting of the city council, which had been called by Mayor Macbeth. The general, besides his customary explanation of the objects of the Freedmen's Bureau, alluded to the hostile feeling of the community towards it, which he deprecated. So long as the atrocities committed upon the blacks were continued, and the testimony of the victims was excluded from the courts, the Bureau would remain to protect them, and the President would be very chary of surrendering the State to civil law. The mayor frankly avowed his own opposition to the Bureau, as an impracticable interloper, and reported a great diversity in the treatment of the blacks by Union

officers, according to their political opinions. This occasioned great demoralization among the plantation hands.

Col. Osborne is making a thorough inspection of freedmen's affairs in Florida, in company with Gen. Foster.

Col. Thomas writes from Mississippi that he is confident there will be more suffering this winter among the white than the black poor. The former refuse to be aided in planning for the future, but are content to be fed by Government, and live in idleness. Nearly 10,000 acres in the State are being worked exclusively by freedmen on their own account, the profits, like the business management, falling solely to them. At Davis Bend, the families are organized into a laboring community, with an allotted portion of land for each. They have established courts for themselves, choosing the officers at large, and the decisions of the judge have been carried into effect by the superintendent of the colony. "The plan has worked well, and the people take great interest in their elections, choose their best men, and have recently elected a school-board to serve for six months." Their industry has been stimulated by their own ambition, "without the control of white men or threat of punishment." Physicians who practise among them receive their pay as among whites. The shop-keepers are colored. The Government rations are being repaid by crops. Camps De Soto and Hawley resemble this colony in their principal features, but are not so well regulated. Among them all there is a large number of aged, orphan, and infirm. The colonists "will all have money at the end of the year, and some as high as four or five thousand dollars." The freedmen are also carrying on wood-yards at Davis Bend, Paw Paw Island, and Islands 98 and 110, for the supply of steamboats on the Mississippi. The farms are taxed by the assistant commissioner for the support of hospitals, orphan asylums, physicians, schools, etc. During the summer the schools have been closed, except a few small ones which are private enterprises, but which number, in the various cities, 585 pupils. Three orphan asylums in the State contain 226 inmates, and are in no way dependent on Government.

Gen. Fullerton has relieved Mr. Conway as assistant commissioner for Louisiana, and will perform the duties of the office until the arrival of Gen. Baird.

There are two industrial schools in the District of Columbia which are self-supporting and making money. Two more are soon to be started. The intelligence office continues to furnish employment, averaging six persons daily.

—Mr. Reuben Tomlinson, of Philadelphia, has been appointed to the office of Superintendent of Education for the State of South Carolina. A more judicious selection could not have been made.

The New Orleans *Tribune* publishes "the Constitution of the First United States Colored Pioneer Association," drawn up by a late member of the 45th United States Colored Infantry, whose service in Texas has made him acquainted with the physical advantages of the lower valley of the Rio Grande. The association is designed to choose a suitable location for a colony, and to promote emigration thither. A military organization for self-defence is provided for. The region indicated produces two crops a year, embracing corn, sugar-cane, cotton, rice, tobacco, all garden vegetables, and the tropical fruits. Stock-raising may be carried on most profitably. Land is worth from twenty-five to a hundred cents per acre. So says Mr. S. H. Smothers, whose home is at Spartanburg, Randolph County, Indiana.

An independent, self-supporting colored school has been in operation in Memphis for the past five months. There is a day-session of six hours, and a night-session of three, with an average attendance of eighty or ninety pupils, of whom twenty-five are adults. Some of them are white, yet were once slaves. The principal is Rev. W. C. Hubbard, who was the unaided founder of the enterprise.

The barbarism of slavery is not yet extinct. An officer at Griffin, Ga., reports two cases of deliberate murder of colored persons by white, and an instance of torture that befits the darkest record of the late régime. John M. Ingram, a resident of Coweta County, punished a mulatto girl who waited upon him by tying her hands behind her back, drawing them up toward the ceiling by a rope, and then dropping from above on her bent and naked body the resin of burning light-wood; after which he descended, and burnt the parts not reached in this way.

MAXIMILIAN proclaimed to the Mexicans on the 2d of October that Juarez had abandoned the warfare against the empire by quitting the country. The Emperor, therefore, conceives that the clemency hitherto exhibited towards the irregular bands by which opposition has been maintained under a show of authority, has reached its limit, and should now be exchanged for inflexible severity, which is accordingly denounced against all guerrillas and their abettors. The friends of the republic deny the reported flight of its chief. On the 16th of September, Maximilian publicly adopted Augustus Iturbide as his heir to the throne of Mexico.

THE diplomatic correspondence between Earl Russell and Minister Adams has engrossed the discussions of the British press—if discussions they may be called, when the support of the Government seems unanimous. The commission proposed is not of a definite character, and will effect a settlement only so far as it helps to make clear the points in dispute. The Atlantic Telegraph Company has authorized an increase of capital by 160,000 shares of £5 each. On the 10th ult., a meeting was held in the London Tavern of the holders of bonds, stock, and shares of the Southern States of this country, whereon the coupons, interest, or dividends are now in arrears in consequence of the recent war. These debts have no connection with the rebellion, and are of nearly thirty years' standing. They are estimated for South Carolina at £700,000; Missouri, £5,000,000; Tennessee, £800,000; do., guaranteed, £3,800,000; North Carolina, £1,800,000; Georgia, £600,000; Virginia, £11,200,000; Louisiana, £1,100,000. £2,000,000 more will represent the debt of the cities, counties, railroads, banks, and other corporate bodies. The bonds of Mississippi, together with the arrears, now amount to £4,000,000, which sum will also stand for the total of arrears for all the States. Favorable accounts of the resources of the South, especially when developed by free labor, were given to the meeting, and a committee was appointed to confer with the State governors and treasurers, and ascertain how they intend to satisfy these claims. The troubles in Ireland still elicit odious comparisons from the continental countries. The *Journal des Débats* likens English encouragement of rebellion in America to America's encouragement of rebellion in Great Britain, and calls it "Fenianism *versus* Fenianism," but adds:

"There is, however, this difference, which it is well to note: that the very extravagance of the projects of the Irish conspirators forbids the admission that they have obtained in America the support of any sober man, while it was amongst the highest personages in English society that the secessionists appear to have met with the most precious encouragement."

So the *Journal of St. Petersburg* draws a parallel between Ireland and Poland, which the *Times* impeaches of course. At the Congress of Berne, one of the propositions broached in the section on hygiene was of an international commission to drain and purify the delta of the Ganges, which is regarded as the nest of the cholera. Messrs. Drouyn de Lhuys and Armand Behic, in a report to the French Emperor, conclude that the epidemic was imported this year into Egypt by pilgrims returning from Mecca and Djeddah. Not only is the cholera alleged to exist every year among the Mussulman caravans which arrive in these cities, but during the present a particular feast of sacrifices was the cause of an unusual congregation at Mecca. The consecrated ceremonies were reckoned at 200,000, and the sheep and camels slaughtered, of which the offal was left on the ground, at over a million. The pestilence bred by this corruption is developed on the crowded packets which now compete with the desert as a means of pilgrimage. At Djeddah, therefore, and Suez, the points of departure and arrival, it is desirable to establish international sanitary administrations, appointed after diplomatic conference by the powers interested in averting the Asiatic pest. It has been affirmed and contradicted that the French troops have begun to be withdrawn from Italy.

THE success which has attended the efforts of women to enter the medical profession has been too conspicuous to escape general notice, and, perhaps for this profession more than for any other, especially in the branch of obstetrics, it is difficult to frame an argument for their exclusion. A Miss Elizabeth Garrett, of London, though denied at St. Andrew's College the surgical diploma and degree of M.D. to which

her proficiency entitled her, has obtained, after an examination, the customary license which constitutes the legal qualification of a general practitioner. It is reported that she intends to open a course on psychology, exclusively for women, at the Workingmen's College, Queen's Square.

"THE course of true love" runs no smoother for princes than for other men. We see it related that the heir-apparent to the new Italian crown, instead of dutifully falling in love with some eligible lady, has bestowed his young affections where, as Byron says, they must run to waste, or water but the desert. He has even allowed himself to be smitten by the charms of the Princess Marguerite, eldest daughter of the Duke of Nemours, one of Louis Philippe's sons. To this his father objects, because that father's ally and chief supporter—his creator, we may say, as King of Italy—refuses to sanction a marriage that would place a lady belonging to the house of Orléans on the Italian throne. Napoleon III, like a true politician, has no loves and few hatreds; but among the few persons whom he does hate may be placed every member of the Orléans family. He hates them, not because they have injured him, but because he has injured them. This is a sound reason for hatred, and even if he would not plead it, he might bring up a much better reason for hating them. The founder of Orléans royalty spared his life in 1836, after the Strasburg affair, and let him depart in peace on very moderate conditions—which conditions the future Emperor broke through without much hesitation. Louis Philippe might have had him put to death in 1840, after the Boulogne affair, but he contented himself with consenting to his imprisonment. Twice did the first of the second generation of Bonapartes owe his life to the head of the younger branch of the Bourbons. Such generosity is not to be forgiven, and it leaves the Emperor at perfect liberty to hate all the descendants of the kind and magnanimous citizen-king. He did not create a new kingdom between the Alps and the Adriatic that it might afford a home for Orléans princes and princesses, and, perhaps, a base for operations having for their object the restoration of their family to the French throne. But it speaks well for the consideration in which the Orléans family is held, and of the impression that exists in royal minds that it is not destined to remain in exile, that the King of Italy is restrained from granting his consent to the marriage of his eldest son and the Princess Marguerite only because of his dependence on the French Emperor. No other fallen royal family ever stood so well in the eighteenth year of its exile. What king would have consented to the marriage of his eldest son to a princess of the Bonaparte family, eighteen years after Waterloo? That there is to be another restoration of the old line to the throne of France is borne in the minds of kings who are not so unlucky as to have lost their business; and they treat the Orléans family well, because they believe in its great expectations. The Comte de Chambord being childless, and his wife getting hard upon the fifties, a restoration of Henri V. would work eventually for the benefit of the younger branch. The Comte de Paris, who is a cousin of the Princess Marguerite, would be heir-presumptive should there ever be a Henri V., King of France and Navarre. The lady's hand is worth having, even if a future king is anxious to have and to hold it.

A FRENCH chemist, M. Emile Duchemin, has invented and put into practical operation a marine electric pile, which promises to be as useful as it is simple. He pierces a disk of cork, which serves as a buoy, with a cylinder of charcoal and zinc, and throws it into the sea. The water acts upon this elemental couple and produces an electric current. Several of these buoys grouped together constitute a battery which may be employed like any other. The latest report of an experiment by the inventor at Fécamp is, that a bell had been kept sounding by his apparatus for fifty-eight days and nights. A number of useful purposes to which this discovery is applicable will readily suggest themselves to every mind. If a bell may be rung on shore, it may on a reef. The coming-in of the tide can be announced by a provision for hoisting a signal. Telegraphing can be carried on between different points of a harbor, and many offices on shipboard might be performed by the constant, self-regulating agency of the floating pile. It has even been suggested that a sufficiently powerful combination might produce the electric light, and so feed every beacon on our coasts.

Articles on any of the subjects usually discussed in this journal will be received from any quarter. If used, they will be liberally paid for; if rejected, they will be returned to the writers on the receipt of the requisite amount of postage stamps.

All Communications which pertain to the literary management of THE NATION should be addressed to the Editor.

### THE GIST OF THE ALABAMA CONTROVERSY.

As the correspondence between Mr. Adams and Earl Russell, just made public, involves very interesting, and, to a certain extent, new questions, of international law, and will doubtless give rise to much discussion both at home and abroad, we propose to state in a brief manner the facts of the *Alabama* case, which may be regarded as a type of all others, and the simple issues raised between our representative at the Court of St. James and the British Government, stripped of all adventitious and extraneous matter. Into the merits of the controversy we cannot now enter. The voluminous despatches of the State Department and the elaborate dissertations of the English secretary and American ambassador, able as they are, do not exhaust this fruitful subject.

That the *Alabama* was constructed at Liverpool, by British builders, as a man-of-war for the Confederate States; that she there took on her outfit and most of her men and officers; that she left her moorings and dropped about forty miles down to Moelfra Bay, where she anchored and shipped the rest of her crew and materials for gun-carriages; that she thence proceeded to the Azores, and was met by a British vessel, sailing from a British port, having on board her guns and a few of her officers; that these guns and men were transferred to her under the British flag; that thenceforth Captain Semmes took command and raised the rebel colors; that she set forth on her work of destruction, and was subsequently received into British ports and treated as an armed public vessel of a friendly power, until she met the *Kearsarge*, and was sunk—these are facts undisputed; they have passed into the history of the times.

In respect to the manner of her escape, there is some discrepancy in the accounts. These differences, however, are only in matters of detail; they are not substantial.

The *Alabama*, then called No. 290, was built in 1862. Mr. Adams had, from time to time, communicated evidence respecting her character and designs to the British Government. The law officers of the Crown pronounced this evidence not sufficient to warrant any steps being taken to arrest her. They seemed to require such proofs as would secure a conviction before a jury, and would not act upon any suspicions or presumptions. It may be remarked, in passing, that it nowhere appears that the British Government itself took any active measures to ascertain the status of this or any other Confederate vessel. The labor of collecting evidence to satisfy their own consciences or judgments they seem to have left to the American minister and his agents. All their movements seem to have been caused by an impulse from the American embassy; none were voluntary. At last, on the 22d of July, 1862, Mr. Adams laid before the British Government such proofs as were deemed by the law officers irresistible. Earl Russell and the Attorney-General state that the legal opinion to this effect was received by the administration on the 29th of July; that telegraphic despatches ordering the steamer to be seized were sent to Liverpool on that day, but on the very same day she escaped by stratagem. On the 1st of August messages were transmitted to ports in Ireland and to Nassau to detain her on her arrival. The collector of customs for Liverpool, on the other hand, states in a public, official letter that the telegram was received on the 31st, and that the gunboat had left before its reception. A "History of the Cruise of the *Alabama*," written by an officer on board, gives other particulars. Secret information having been communicated to the rebel agents that the order of arrest was to be issued, the steamer started on the morning of the 29th, as if on a trial trip, proceeded to Moelfra Bay, forty miles distant, anchored and remained there, shipping hands and material until the afternoon of the 31st. Finally, to bring home these facts to a responsible officer of the Government, the American consul at Liverpool, on the 30th, informed the same collector of the position of the missing vessel and of all her pro-

ceedings since she departed under false pretences. No steps were taken to arrest her.

We arrive, then, at the following conclusions, all founded upon British testimony, most of it of a high official character: The Government waited seven days after receiving information acknowledged sufficient before they moved at all. If the despatch was sent on the 29th, the collector at Liverpool wilfully neglected for two days to take any steps to seize the offending steamer, which he knew was anchored a few miles off, engaged in an unlawful enterprise, and in constant communication with the shore. If the despatch was not sent until the 31st, then there was a delay of two days on the part of the Government after they had determined to act. These two days, during which either the cabinet or the subordinate were temporizing, caused the virtual destruction of the foreign commerce of the United States, or its transfer to British bottoms.

On this state of facts the United States maintain that the British Government is bound, in honor and good faith, and by the principles of international law, to make compensation to American citizens whose property was destroyed by this Confederate cruiser, and proposes to submit the claim to arbitration. Great Britain denies the liability, and rejects the proposition to arbitrate.

What are the issues involved in this demand and refusal? In the first place, the United States do not rest their claim upon any interpretation of a British statute. Such a statute does exist, which provides that if any subject shall equip, furnish, fit out, or arm, or endeavor, procure, or aid in equipping a vessel with the intent that the same shall be used by one belligerent against another power with whom Great Britain is at peace, such act shall be a misdemeanor, and the vessel shall be forfeited. In the *Alexandra* case the English courts put such a construction upon this statute as rendered it virtually inoperative. With this decision, by the properly constituted tribunals, upon a point of the municipal law, it is conceded the United States must be content. The internal national jurisprudence is a matter entirely within the province of the national judiciary. Were this statute, therefore, the ground of our claim, the assertion of Earl Russell, that the "law officers of the crown were to be assumed the best interpreters of their own legislation," would be undeniable.

But the United States insist that beyond this or any other statute, and even in the absence of any positive act of parliament, the established principles of international law require that every neutral shall use all possible methods, all reasonable diligence, to prevent its own citizens from fitting out armed vessels to prey upon the commerce of a belligerent with whom it is at peace, and that it makes no difference whether the armed vessels are privateers or public men-of-war of one of the contending powers. They further insist that if such armed vessel is sent forth by the citizens of a neutral state, in fraud of their obligations of neutrality, even without any fault on the part of the government, that government is bound to seize her should she return to its ports, and to take possession of and restore to their owners any prizes which she may send into the neutral jurisdiction. The United States also insist that if the neutral government has been guilty of negligence in using measures to prevent the escape of such armed vessel, then it is chargeable with the further duty of making reparation to the individuals whose property has been taken or destroyed by the cruiser. It should be noticed that this latter claim depends, in fact, upon two elements, the negligence of the neutral authorities, and the rules of the public law growing out of such negligence. It is nowhere asserted that the mere fact of a mere surreptitious equipment and escape of a hostile cruiser entails the duty of reparation for losses upon the neutral power.

The issue, therefore, between the United States and Great Britain resolves itself into two simple questions, the one of fact, the other of law. The first, were the British authorities culpably negligent in taking measures to detain the *Alabama*? The second, granting such negligence, does the international law throw upon them the duty of making compensation to American citizens?

Such being the character of the issue, it is evident that if any case should ever be referred to arbitration, this should be. It would be imposing too much upon human nature to call upon Earl Russell, Sir Roundell Palmer, and other members of the ministry to acknowledge solemnly their own shortcomings, to concede their negligence in

reference to the *Alabama* and other rebel cruisers. It would be asking the very defendants to adjudge themselves guilty. We can also easily understand their unwillingness to permit any other persons to sit in judgment upon their acts. But if Lord Russell's declaration, that "Her Majesty's Government are the sole guardians of their own honor," is to be taken as the announcement of a rule of international law, applicable to all similar cases, then the method of settling national disputes by arbitration may be considered as henceforth virtually abandoned. Every such submission has involved, and must involve, an enquiry into the acts of governmental officials, and we cannot see that the rank or grade of the functionary implicated should distinguish one case from another. We repeat, then, that this dispute is peculiarly one which should be decided by arbitrators. The question of fact depends upon many circumstances, some of them trivial, but, all combined, tending to throw great doubt upon the good faith or earnestness of Her Majesty's ministers. The question of law is new, and of the highest importance to all the maritime powers of the world.

We believe, too, that whatever may have been the prevailing sentiment a year or two ago, there is hardly a man of intelligence or education in England who is not conscious that the cabinet has committed a number of deplorable blunders—deplorable, if for no other reason, for the effect they produced on the public mind in this country, in their manner of dealing with the rebellion. There has hardly been a step they have taken, from the proclamation of neutrality down to the withdrawal of belligerent rights this summer, which has not worn an air of hostility to this Government, or which has not been capable of a hostile interpretation. They maintain that they have been misunderstood, and hold up their hands in aggrieved wonder over American irritability. Now, there could not be a better way of allaying this irritation and justifying their own course, if it be capable of justification, than submitting it to the candid and impartial judgment of a disinterested third party. If the complaints of Americans be really due, as Earl Russell would have the world believe, to excitability, prejudice, and wrong-headedness, he has of course nothing to fear from having the grounds of them examined by an impartial bystander. If our charges are by such a tribunal pronounced untenable, we must, of course, for ever after hold our peace. If they are sustained, Earl Russell will hardly maintain that English "honor" calls for a persistent denial of what unprejudiced opinion pronounces to be justice. And he will certainly incur a weighty responsibility, both in the eyes of this and all future generations, if he deliberately refuses to sanction, on an occasion so great and solemn as this is, the adoption by the two greatest nations of the world of the only civilized and Christian mode of settling disputes, and, in obedience to the dictates of barbarous pride, leaves us to the most barbarous of all remedies.

#### RECONSTRUCTION THROUGH BANKRUPTCY.

It is a misnomer to call Congressmen and Parliament-men "law-makers." They make nothing of the kind. At best, they do but discover and state laws. Oftenest, they mistake them and state them wrong. Their efforts are but tentative and empirical, feeling after the ordinances of the only Lawgiver, if, haply, they may find them. They often try to repeal those ordinances and to set up their own devices in their stead; but are always brought to an open shame. The laws which the Creator has impressed upon physical nature, and human nature, and upon the course of human affairs—or the dealings of men with men in nature—may be discovered and announced, but it is no use trying to tamper with them. All this sounds as self-evident as Squire Thornhill's postulate in his discussion with Moses Primrose that "whatever is, is!" And yet how much of the legislating of the world since civil government was established has been ingeniously devised to organize injustice and cruelty and folly into law! We will not put our sermon over into our neighbors' pews, and speak of class legislation, artificial distinction of ranks, entails, primogeniture, and other attempts in the old world to build up a state in defiance of eternal laws. Our own endeavor to incorporate an injustice so black as to make all other national wickednesses look fair with our constitution of government, and to uphold it by laws and schemes of policy, forbid us to throw any stones at the window-panes of our neighbors over the water. Nobody

will deny now that we made a signal failure of it, that the cornerstone of our republican institutions has been removed in spite of us, that a great part of the edifice has tumbled into ruin, and that we have now to set to work to reconstruct it as best we may.

It is to be hoped that the present Congress will profit by the blunders of its predecessors, and do its work in a workmanlike fashion, so that it will not have to be done over again. One would think that we had paid dearly enough for our attempts to reverse the laws of moral gravitation, and to make our pyramid stand upon its apex, to make us willing to try to set it, now that we have to build it over again, upon its broad base, instead. Of course, no enduring construction can be reared on any other foundation than that of equal justice to all the people. None other can stand, and any attempt to build it up on rotten compromises and cruel prejudices will be as futile as infamous. Any such must come to grief, and we with it. Eternal law will triumph, and right be finally done, in spite of presidents and congresses, should they set their faces against them like flints. But much suffering and loss and vexation may be avoided by a wise adaptation of the national action to the demands of justice and a wise expediency now, instead of waiting for another bloody lesson. Congress cannot stop the action of the laws of political justice and political economy, though it may disturb their normal workings and so hinder the blessings they were ordained to secure from flowing to the returning rebels—at least, as soon as they naturally would.

It is through the operation of these laws that the South must be reconstructed, whether it like it or not, and whether or not it be helped or hindered by the nation. The effect may be different from what the Southern people desire and may attempt to bring about, but it is none the less inevitable. The present race of Southerners must virtually reconstruct their institutions for themselves, by conforming to the laws of political justice and political economy, which are inseparable if not identical, or else be swept out of existence by them. And Congress can do little more than to try to hold their hands from hurting themselves until they come to "a realizing sense" of their condition. There never was so thorough, utter, all-pervading a revolution as that which the slaveholders' rebellion has worked in the social and political condition of the South. For revolutions in general have left the laboring classes just about where they found them, and the changes gained or sought touched only the rights and relations of a comparatively small proportion of the population. But this revolution enters every kitchen, every garret, every workshop, and every field, as well as every court-house and capitol. It is, indeed, a radical revolution, for it reaches to the very roots of society as well as to all its ramifications. Now the roots of a tree are the fountains of its life. The branches of an evil tree may be lopped off, and, if the root be sound, a good tree may be grafted upon it which shall bring forth good fruit and its leaves be for the healing of the nations. But if the root die it shall altogether perish.

Now, the root of every human polity is the laboring class, from which it derives its nourishment and its strength; and its true prosperity and power are in just proportion to the moral and physical well-being of that class. The revolution from which we are not yet extricated has completely changed the former relations of laborers and employers in all the rebel country, and it is for the latter to say whether they will, and can, so re-arrange those relations as to be mutually beneficial, or whether they shall go to the wall. The essential element of the old state of things in the South, swept away by the storm of war, was the purchasable quality of the negro. This was the corner-stone of their republican institutions, and now that it is knocked away, the old edifice must come down, to be replaced by one of fairer and safer proportions. Mr. Wendell Phillips, in his recent lecture entitled "The South Victorious," speaks of the abolition of chattelism as a fact of small moment, which may not necessarily make any material difference in the future of the negro. We submit that this is one of the paradoxes by which that brilliant but inexact and illogical speaker delights to startle his audiences. We hold that it is the one all-controlling fact that the war has established—the fact that is to give color and direction to all the history that is to grow out of the war. It was the purchasable quality of the negro that gave to the slaveholding States the imperfect measure of prosperity that they ever had to boast

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of. It represented their reserved capital, which could be realized at any moment. A slave, from the moment he was born, had a positive market value. His blood might literally be coined to drachmas whenever its conversion into ready money became desirable. He was his master's savings bank, in which he laid away his spare *stealings*—for we cannot justly call them "earnings." Now the ruthless hand of war has broken all these banks and swept away all that gold locked up in human brains and sinews. In the old time, when the planter needed capital, he could always sell a portion of his human live stock, and as to the Border States, it was by the craft of making and selling these ebony images of God that they got their wealth—such as it was. It was the purchasable quality of the negro that gave to the slaveholding States the absolute command of labor by which they lived. That quality is now extinguished for ever, and with it the old state of things has passed away, and it is not in the hand of man to bring it back again.

We know that many of the present generation at the South will resist the irresistible, and strive to regain the irrecoverable. This can but happen. They know of no other way of winning bread or gathering wealth than by the compulsory labor of "sinews bought and sold." They will endeavor, if the nation permit it, to contrive some method of compelling the blacks to work without satisfactory wages. But the power of purchasing men in market overt being gone, and with it the command of capital, all such attempts must come to naught in the long run, and, generally, in the *short* run. They must either bring their minds to make it worth the while of the negroes to work on their land, or they must make them up to sell their land to men who can. *Diva Pecunia*, the goddess money, is the divinity that shapes the ends of modern society. It may be a pity, but it is true. Capital is the life-blood of production, and of this the body politic of the slave States is drained. The national sword has emptied its veins of four thousand millions of cash value. Capital must either be created anew by cheerful and well-paid labor, or it must be transfused from without. We read of combinations of planters not to sell their lands to Yankees! Combinations to prevent water from running down hill! We read of threats to kill all the negroes or to drive them out of the country. Four million threatened men, we may be sure, will live long and will stay where they choose. There will be enough of oppression, and cruelty, and wrong, and injustice in the process, and all the more if the nation withdraws its tutelage of the spendthrift South too soon, but the necessity of the case must compel the present race at the South to work themselves, and to make it worth the while of the blacks to work, or they must give way to a peaceful incursion of Northern hordes that will bring civilization, and prosperity, and Christianity in their train. It is in vain to kick against the pricks. This last will probably be the ultimate solution of this vexed question. The laws of political economy have always been fighting against slavery. They have now compelled it to surrender, and they will not suffer their victory to be a barren one. The stars in their courses did not fight more potentially against Sisera than those divine laws have fought against slavery and will fight against all its works. Wise or wicked action on the part of the nation may shorten or delay their blessed influences, but they must and will mightily prevail. If there be not a reconstruction of Southern society through its repentance and voluntary return to obedience to those divine laws, there certainly will follow, and in no long time, its reconstruction through bankruptcy.

#### OUR CONSULS IN CHINA AND ELSEWHERE

THERE is an ethic fiction embodying the idea that no gentleman will insult you and no blackguard can, with which affronted philosophers attempt to console themselves, but we doubt if the comfort they draw from it is much greater than the slender satisfaction to be derived from letting a thief prove himself such by stealing out of your company. It is certain that in the political intercourse of nations, dignified indifference to contumely is not to be thought of, and that the only course is to resent and punish it at once, showing a just regard for the cause of universal good manners by teaching a barbarous power, if the insult comes from it, the value of international sincerity and courtesy, with a severity adapted to barbarous thickness of skull and skin. A duty of this nature has fallen upon us recently through the breach

of treaty committed by China in refusing to surrender to the American Consul at Shanghai the person of Burgevine, a desperado well-known in connection with the Chinese rebellion, who was recently taken by the Imperialists, and who, in defiance of our Consul's protest, has been sent for trial into the interior of the Empire. If the English correspondents who write these facts are right in their conjectures, Burgevine has probably been starved to death before this, or has been executed by the Chinese authorities. The question, therefore, is not of Burgevine, but of national self-respect. Even if Burgevine were alive, Christianity and civilization would be but slightly served by his safety, and it is only in Burgevine as an idea that we can be reasonably interested.

It is known that in most countries of other than Christian faith consuls have certain extraordinary powers, including jurisdiction of criminal offences committed by their countrymen, and there is a clause of our treaty with China under which the American Consul felt himself bound to demand the surrender of Burgevine for trial in the consular court. But the Chinese authorities would not give up their prisoner, and have made no reply to the Consul's protest, in which he hinted that when the American fleet arrived in Chinese waters the affront offered us in this breach of the faith of treaties would not be forgotten. The affair, therefore, remains for our naval squadron to arrange, and it will no doubt be promptly and effectually settled. It is questionable, indeed, whether the Chinese government would have shown us this disrespect if we had maintained a naval force on their coast, and their contempt has fallen on us partly through fault of our own.

It seems that the Chinese have come to hold us in slight esteem because our consuls in their ports have been chosen from the mercantile class, or from among the missionaries resident there. The Chinese have a noble scorn for both traders and priests, and this scorn has not always been abated by the persons chosen for office, for they have seldom sunk the shop in assuming the consular dignity; the merchants have continued in trade and the missionaries have occasionally sought to say a few words on the atonement during their interviews with the Chinese officials. This is the account given by the correspondents of the English press, and though there is some malicious exaggeration and some unintentional error in it, there is still enough truth to make it mortifying to our pride and injurious to our interests.

Sooner or later our people must learn that we can have no perfect consular representation except as the English and French have, through men educated specially for their positions, paid salaries sufficient to lift them above dependence upon any other avocation, and continued in office during good behavior. We believe that our administrations have long felt the necessity of such representation, and there has been effort made to establish it as a system, though this effort has been permitted, by the ignorance and stupidity of congresses, to be only a half-success hardly less discouraging than defeat. In 1856 our consular anarchy underwent a complete revision and a slight improvement. The necessity of lodging consular functions in persons forbidden to trade was acknowledged by a clause forbidding commerce to all consuls receiving salaries above a certain amount; but this amount was made so small that none but a rich man able to live without salary, or a rogue determined to trade in violation of his bond, or a scholar with some cherished purpose of study to be fulfilled abroad, and willing to live poorly for the sake of it, could afford to accept the office. In the wisdom of our legislators a thousand dollars a year were believed sufficient to maintain in the proper dignity, and above the necessities of trade, a commercial representative in places where the French and English consuls were paid four and five times as much; and it was thought desirable that he should remain subject, as before, to removal by the first President of opposite politics who should be elected after his appointment. The manner in which we were represented under the administration of Mr. Buchanan was comment enough upon the improvements made in our consular system; and when Mr. Lincoln took his place, the necessity of some change was felt. The new head of the State Department had doubtless seen much of the evils of low-salaried consular representation abroad, and an effort was made to obtain better pay for the consuls who should be sent out to replace Mr. Buchanan's employees. This effort succeeded, and additional salary was allowed to consuls of such ports as the State Department should determine, as compensation for possible increase of duty during the war, the additional pay to cease with the

hostilities then existing. Under the law of Congress authorizing this additional salary, the income of several consulates was raised from \$1,000 to \$1,500, but in no case, we believe, increased to \$2,000. Still, this was a great amelioration, and the efficiency of our consular service during the past four years witnesses the wisdom of the Government's liberality. Encouraged, doubtless, by the success of this effort, and the good results attending its success, its friends broached a project tending to make the consular representation permanent in adequate persons, and a bill was introduced into Congress for the appointment of consular pupils to be attached to the more important consulates, and educated in the duties of those stations. The proposed number of pupils was cut down from twenty-four to twelve, and the bill has become a law under which these consular *attachés* may be appointed with a compensation not exceeding \$1,000 a year. They are intended, of course, to rise to the consular grade, which it is to be presumed their education will enable them to hold with credit to themselves and honor to the nation; and the sagacity of our legislation is nobly illustrated by the fact that as long as these young men remain pupils they are secure in their places, but as soon as they become consuls they may be removed by the fortunes of the next Presidential election. They shall be well paid to learn how to be consuls, and they shall be turned out when they know how, to make room for the new man who knows nothing of the duties of the post, but who is eminently qualified for it by services rendered in the political canvass.

In fine, our consular system remains nearly as it was before. It is not a career for any man ambitious of distinction and usefulness, and it is not a support for those willing to go into exile for a livelihood. Under these encouraging circumstances, the consulates will continue to be filled, as heretofore, by merchants who can make the office pay them in a business way, or by rich men going abroad for pleasure, or by poor ones going abroad for disappointment. The cost of living annually increases throughout the world, but our consuls are kept upon pittances that were beggarly when living was cheap. They go to their posts inexperienced men; and at the time when they have acquired the difficult art of representing the Government handsomely on nothing a year, when they have acquainted themselves thoroughly with their official duties, and have learned the language of the country to which they are sent, they are practically supposed to have outlived their usefulness, and are at any moment in danger of removal. Their fitness cannot save them, as no zeal nor excellence could advance them a step in the service.

Let us punish the Chinese as they deserve for their breach of good faith and good manners; but let us do something to remedy the fault in ourselves which led them to distrust our national greatness. If we wish our consuls to impress the Chinese with an idea of our importance (and it is necessary to do this in order to obtain justice from them), we cannot make consuls of men engaged in trade, nor of missionaries, whose hearts are naturally in a higher work. It is not to be supposed for an instant that the French or English consul in a Chinese port is a merchant or a clergyman. In fact, we must raise our representatives everywhere above necessity by paying them well, and then we shall have an influence through their dignity which will be commensurate with our own, we must make their tenure of office permanent, and must make their service a career in order to induce the right men to enter upon it. We chance, at present, to be represented abroad by fidelity and intelligence, and much of the respect felt for our Government comes through that felt for the personal, not official, character of our functionaries. But this is not enough; it is the office which must be made permanently important to our interests and honor, and not the accident of a good public servant. Our officers in China are able and conscientious men, according to the English journals, but they had no adequate official dignity to support them, and they failed to exact good faith and respect toward us.

#### THE FREEDOM OF THE PRESS AND THE LAW OF LIBEL

AMONG the civic evidences of the superiority of democratic institutions which the future historian of our great rebellion will cite with just pride and satisfaction, the freedom enjoyed by the press during the sanguinary struggle will not be the least either in significance or interest. The few instances where the exigencies of the case demanded and

justified interference on the part of the Government, only make the prevalent and permanent toleration more remarkable. Never in the world's history, in a period of intense civil and military conflict, was the utterance of men, oral and printed, less restrained, hampered, or modified by external power. Politicians made or tried to make capital out of the action of the Government when censorship was exercised by the War Office, and treasonable publications suspended; but the fact is indisputable that, considering the magnitude of the conflict, the complexity of the interests and influences at work, and the imminence of the national peril, the freedom of the press was sustained and protected to a degree and in a manner which reflect the highest credit on the candor of the popular mind and the forbearance of those in authority. No student of history, no resident of Europe, can fail to recognize herein a trait and triumph of free government and general education; and future explorers of the documentary history of the war for the Union will read, with complacent astonishment, the bold and emphatic, yet unchecked, expression of opinion in the current literature of the day—the freedom of criticism indulged in as to the administration of the Government, the action of generals in the field, the motives, character, and ability of prominent men while actually engaged in the public service, at a great crisis, and when loyalty and treason worked side by side in social and political life. Not less remarkable is the comparative absence of litigation growing out of this same freedom of comment and criticism. So healthful is public opinion in regard to the necessity and right of free discussion, where any public interest is involved, that there is no encouragement to prosecute unless positive malice can be proved. Our people seemed to have adopted the spirit of Milton's noble essay on unlicensed printing, and to be practically aware that political liberty and free expression are identical, and that every question of importance must be fairly and fully discussed to secure the ends of justice, truth, and progress. There are times when this unrestrained utterance tries the patience and perhaps mars the fortunes of the individual, but its social necessity is none the less acknowledged. It is painful to a generous and just mind to witness, as is so often the case, ignorance, vulgarity, and spite gauging the scope and branding the labors of the scholar, the man of genius, or the disinterested purveyor in the fields of knowledge; to see worth and wisdom profaned by low, narrow ribaldry, and the respectable and respected in the world of letters spattered with mud from the kennels; but all this, it is found by experience, never injures an honest reputation or mars true fame; and, as a nuisance, it is more than compensated by the blessings of free thought and expression in the testing and proclamation of truth and advocacy of right.

It was the opinion of the late Gouverneur Morris that the elemental foundation of American liberties is to be traced to the trial of Peter Zenger, printer of the *New York Weekly Journal*, for an alleged libel, in 1770, because that event "revealed the philosophy of freedom both of thought and speech;" and ever since it has been the noble distinction of our tribunals, sanctioned by enlightened public opinion, that the acts, the theories, the writings of every citizen shall be freely criticized to the utmost extent of investigation and animadversion—provided that no personal malevolence or violation of private character obtains. This distinction the civil war, with all its temptations to the opposite extreme, and the warrant it afforded for encroaching upon the great principles, has confirmed and renewed; and we repeat, this is one of those results which add to the credit and faith of popular government. Our attention has been called to the subject by a report, which appeared recently in one of the journals, of an argument on a demurrer in the Dawson-Jay libel case by Hon. William M. Evarts. His argument was conclusive to our mind, and stated with clear emphasis as an American legal principle. The case referred to a literary or rather political criticism of a standard work—a criticism altogether devoted to the vindication of national principles against partisan and disloyal ideas—promulgated at the most critical juncture, and deriving importance rather from their association with a work of established fame than from any personal influence of the writer. It was an excellent occasion to vindicate the great cause of the freedom of the press, and to show how essential its legal recognition is to the integrity of our institutions and the health of the body politic. Mr. Evarts stated the principle involved, not

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merely as a lawyer but as an American statesman. It is significant that in feeling and practice we have reached, on this subject, the scope and spirit of the best English authorities:

"Liberty of criticism must be allowed," charged Lord Ellenborough, "or we should neither have purity of taste nor of morals. Fair discussion is essentially necessary to the truth of history and the advancement of science. That discussion," he adds, "I shall never treat as a libel which has for its object, not to injure the reputation of any individual, but to correct misrepresentation of fact, to refute sophistical reasoning, to expose a vicious taste in literature, or to censure what is hostile to morality."—1 *Campbell*, 355.

And again: "One writer, in exposing the follies and errors of another, may make use of ridicule, however poignant. Ridicule is often the fittest weapon that can be employed for such a purpose. Every man who publishes a book commits himself to the judgment of the public, and any one may comment upon his performance. If the commentator does not step aside from the work, or introduce fiction for the purpose of condemnation, he exercises a fair and legitimate right; fair and candid criticism every one has a right to publish, although the author may suffer a loss from it; such a loss the law does not consider an injury, because it is a loss which the party ought to sustain; it is but the loss of fame and profit to which he was never entitled. However severe the animadversion may be, the author has no right to complain, unless the private character be maliciously vilified."

In an action for libel upon an author, Lord Kenyon admitted evidence of the nature of the plaintiff's works, and it appearing that they were themselves of a libellous and scandalous description, his lordship threw his parchment at his head, and dismissed him from the court with contempt.

"The main question," said Lord Ellenborough, in a like case, "is *quo animo* the defendant published the article complained of—whether he meant to put down a nuisance to public morals, or to prejudice the plaintiff. To ascertain this, it is material to know the general nature of the plaintiff's publication to which the libel alludes. The plaintiff is bound to show that the defendant was actuated by malice, and the defendant discharges himself by proving the contrary."

Chancellor Kent recognized the vast practical worth and essential justice of the principles thus laid down—principles, be it remembered, opposed to the then prevailing traditional views in Great Britain, but slowly making their way, while, on various memorable occasions, they had been fully acted upon in this country.

"If the theory of the prevailing doctrine in England," says Kent, "for even there it is now scarcely anything more than theory), had been strictly put in practice with us, where would have been all those enlightened and manly discussions which prepared and matured the great events of our Revolution, or which, in a more recent period, pointed out the weakness and folly of the Confederation, and roused the nation to throw it aside, and to erect a better government on its ruins? Whatever may be our opinion on the English law, there is another and a very important view of the subject to be taken, and that is with respect to the standard of the American press. In England they have never taken any notice of the press in any parliamentary recognition of the principles of the government, or the right of the subject; whereas, the people of this country have always classed the freedom of the press among their fundamental rights. The liberty of the press consists in the right to publish with impunity truth, with good motives and for justifiable ends, whether it respects government, magistracy, or individuals."

#### WAR ON THE RIVER PLATE.

THE armies in the field in this war are the largest ever brought into contact in South America, at least since the days of the Incas, and this circumstance has attracted more attention from the public than has usually been given to the chronic state of civil war which has so long reigned there. The general feeling is, both here and in Europe, in favor of the allies, who appear to be acting solely in defense of their invaded rights. A painful feeling has, however, been caused by the apparent cruelty at the late battle of Yatay, where, of three thousand Paraguayans engaged, seventeen hundred were killed. Details of the battle, since at hand, show that this great mortality was caused by the absolute refusal of the Paraguayans to yield. It seems that the allies, under General Flores, numbered eight thousand infantry, with thirty-eight pieces of artillery and a considerable body of cavalry, while the Paraguayans numbered but three thousand infantry, well armed but with little artillery. Their leader, Major Duarte, was captured early in the fight, and the force was soon scattered into small bands, which de-

liberately shot the bearers of flags of truce coming to beg them to cease a useless struggle, the only answer given to the messengers from Flores being that "we have no orders to surrender." Groups of even twenty men fought to the last, and with so determined a ferocity that it is only surprising so many as twelve hundred men were taken alive. While there is something in this desperate courage which excites sympathy, yet it is clearly a useless sacrifice of life, with an absolute indifference to death which a despotic government seems to have the power to create among its subjects. A similar state of feeling existed among the Russians in their late war. The Paraguayans are mainly of Indian blood, of the Guarani tribe, whose language is still in common use among them, though many speak Spanish indifferently well. The country, early in the history of the Spanish domination, was taken charge of by the Jesuits, and the law of implicit, unquestioning obedience inculcated by them has been preserved to this day, while the submissive character of the tribe to their rulers made it a peculiarly favorable soil in which to plant a despotism and to reap its fruits. The Jesuit rule was followed by the Dictator Francia, famous in history, who has been in turn followed by the Lopezes, father and son, the last being now the ruler. He is of mixed Spanish and Indian blood, and received the government of the country from his father by the last will and testament of the latter, though he rejoices in the title of President, and the country is called a republic.

The Paraguayan army actually in the field comprises nearly every man capable of bearing arms in the country, the officers being mainly European, as are the munitions of war. That Lopez should be wantonly cruel is almost a necessity for a despot who finds his hitherto supreme will now opposed by armed enemies. The bodies of those he has killed in some small engagements, as also of the many he has shot in cold blood, have been thrown into the River Parana, that they might be carried down to distress and irritate the Argentines down the river, at Buenos Ayres, while the state of Corrientes, which he has overrun, has been completely sacked and ruined, the families even being sent into Paraguay, and in every instance parents and children separated, many of them probably never to meet again, the reason given being that it would prevent "combinations to escape."

#### MORE FICTIONS.

THE President is a very excellent and very able man, and we have no doubt means well in all he is doing at the South; but his conversation with Major Stearns reveals a mental defect which makes us sometimes wish he would follow Lord Mansfield's advice to the country justice, and refrain from giving the reasons for his decisions. The course he is pursuing at the South may be the best; but the arguments by which he justified it to Major Stearns are so very bad, that it is a pity we should ever have heard of them. The practice of inventing and spreading little legal fictions, which has grown up since the war, is not creditable to those who indulge in it, and though many people consider it a powerful political engine, we confess we have too high an opinion of the public intelligence to suppose that it possesses the smallest value, or imposes on anybody whosoever.

What is the use, for instance, in maintaining so stoutly that the revolted States were not and are not out of the Union, and could not get out? Who is deceived by this most transparent fiction? Its proper place would be in a royal speech; it is worse than useless in a presidential *épanchement*. Whatever the President or anybody else may say, the world knows that it has been decided that, for all practical purposes, the Southern States are out of the Union, and may be kept out as long as the North pleases. "Individuals," it is true, "may commit treason and be punished," and "individuals" at the South did commit treason; but if this were all, President Johnson's business would be simply to hunt them down and bring them to trial. He would have no more right, for this reason, to set aside the State government in South Carolina, or decide, as he has decided there, who should vote for the constitutional convention, and what provisions it should incorporate in the State constitution, than in Pennsylvania or Connecticut. The very fact that he has had to adopt any "policy of reconstruction" is of itself a proof that the States are out of the Union, *de facto* at least. The emancipation of the negroes rests on this assumption; all the

authority which Mr. Johnson is exercising at the South, over and above what Mr. Buchanan exercised, rests on it also. If the States were not out of the Union, we should like to know what there is in the fact of individuals committing treason to justify his interference with State elections, or his arresting the action of the State organization as he found it after the surrender of Lee?

The States are in the Union in the same sense that Victor Emmanuel used to call himself "King of Cyprus and Jerusalem." All that one hears about them "being in it," "of no power on earth being able to carry them out of it," etc., is simply words, and idle words at that, intended, no doubt, to make the public feel comfortably, but anything but complimentary to its understanding. The fondness of the Anglo-Saxon race for this kind of self-deception, and the coolness with which its members look one another in the face while covering the most monstrous absurdities in legal formulæ, is one of their most singular characteristics, and leads impudent Frenchmen to deny that they have emerged from the archaic stage of political development.

The actual position of the Southern States since May last has been that of conquered territory. If they were not conquered territory, they might have retained slavery, retained their old constitutions, and sent members to Congress without asking Mr. Johnson's leave, or even consulting him. He has no power, under the Constitution, to overturn State governments because individuals commit treason, except his power as the general of an army in the field, and, of course, he is too sensible a man not to know this. If we saw any good to be gained by bolstering up this little fiction of his, we should be delighted to do it. But we see mischief, and at this crisis great mischief, in all forms of falsehood, and particularly those that look most innocent.

"If I interfered," he says, "with the vote in the rebel States, to dictate that the negro shall vote, I might do the same thing for my own purposes in Pennsylvania." All this is painfully sophistical. He cannot, of course, interfere with anything in any State "for his own purposes." He has never done so; he is too upright a man to think of such a thing. He has interfered in the Southern States with the right of voting, for the public good. His very decision that those who possessed the franchise under the old State law should be the persons to vote for the State conventions was an interference. To permit implies a power to prohibit. He really decided who should vote, and he took his definition of the class who do so from the State law, simply as a matter of convenience or policy, not because he was in the least bound by that law. He knows perfectly well that any such interference with the suffrage in Pennsylvania would be a revolutionary act, and that it would be wanting in everything which distinguishes his conduct at the South from that of a usurping despot. If he could do all over the Union what he has done in South Carolina, as he says he could, instead of being the general-in-chief of a constitutional government, he would be simply an irresponsible tyrant.

His statement that if "they" (the Southern States) "go wrong, the power is in our hands, and we can check them at any stage to the end," is a capital specimen of the vague, and therefore in this case mischievous, use of language. What "end" does he mean? We can only check them till their admission to Congress. If the conditions imposed on them then be not sufficient, what becomes of our power of checking them afterwards? He surely does not mean to say that we shall have the power to go down and regulate their affairs for them by force after they are regularly re-admitted to the Union. That is a power which the people will not entrust for an indefinite period to any President. Mr. Johnson must make up his mind that now is his chance, and that any precautions he deems necessary for future peace and security must be taken at once. And if he is alarmed, as he says he is, by the possible effects of the immediate concession of the suffrage to the negroes, why not exact from the repentant prodigals some sort of security that they will concede it some time or other, that in one year, or two, or ten, the negro may by some process—reading, writing, claiming, climbing a greased pole, or playing on the piano—cure the defect of color, and become an enfranchised citizen? Any barrier, however absurd, that a man can get over, is better than the utterly absurd and at the same time insurmountable barrier by which the colored race is at present shut out; and thus far no State has given evidence

that it will ever at any time remove or modify it, nor has Mr. Johnson asked them to do so.

Mr. Johnson's opinions as to the mode of admitting the negroes to the enjoyment of political rights, as expressed to Major Stearns, are eminently sensible. The qualifications which he suggests should be exacted from them for the exercise of the franchise are not only such as must command themselves to everybody as at least reasonable, but might, if made of universal application after a certain period—as Mr. Reagan advises that they should be in Texas—become the means of increasing the intelligence of the whole body of voters, and thus, as we believe, strengthen the foundation of our political system. But when the President informs us, in the next sentence, that letting the negroes have the suffrage now would "breed a war of races," we perceive that he has given the reins to his imagination, and is off once more into the regions of fiction. How does he know it would cause a war of races any better than he and most other Democrats knew four years ago, as they believed they did; that emancipation would cause a war of races? It is quite clear that we have not yet got at half the frightful consequences that are likely to flow from negro suffrage. "A Yankee" says it would lead to amalgamation—that the white fathers would want to marry their daughters to blacks so as to have "mulatto grandchildren," to the election of negroes to the Senate. The *World* says it would lead to the legal establishment of polygamy in all the Southern States, and the conversion of the negroes to Mormonism. Mr. Johnson now says it would lead to a "war of races." We shall probably hear next that it would cause an epidemic among the cows or a drying up of the oil wells. The powers of the "everlasting negro" are evidently not half revealed.

## Correspondence.

### STATE SOVEREIGNTY.

TO THE EDITOR OF THE NATION:

The Anglo-American colonies were originally assemblages or societies of emigrant British subjects living on British territory under special municipal, or, if you will, political, organizations instituted by the Government of Great Britain for purposes of its own, and modelled in accordance with those purposes, and they were in all respects as completely integral and independent parts of the British Empire as the county of Hampshire, or as the city of London itself. I do not mean to assert, indeed, that the colonists were all, consciously, political agents of Great Britain. They had their special motives for emigration, the liberty of worshipping God according to their own consciences, the love of adventure, the spirit of commercial enterprise, and, in the high-born Adams and Eves of Virginia, still stronger reasons—escape from persecuting creditors, and very often a compulsory option between hemp and tobacco, the halter and the hoe. The colonies were encouraged by the crown as a means of extending the power and possessions of the British Empire. The colony of New England, too, afforded fine facilities for carrying out King James's high-minded and favorite plan of "harrying the Puritans out of the land," and Virginia was especially favored and petted as a retreat for broken-down gentlemen, and a place of banishment for convicted felons. The advisers of the crown determined the boundaries of the colonies according to their views of British interest, and no liberties were secured by the charter except such as were necessary to ensure the acceptance of the grant. The political existence conferred on the colonies by the royal charter was not a perpetual and irrevocable concession, but it was always modifiable or determinable by the will of the metropolitan legislature. An omnipotent Parliament could at any time have limited or even revoked the franchises conferred by those charters, to the same extent as it can lawfully interfere with the jurisdiction and rights of any municipal body lying territorially within the four seas. In fact, this exercise of power by the crown was one of the grievances stated in the Declaration of Independence, which also complained that the home Government often controlled and overruled the action of the colonial legislatures.

It is true that the power of Parliament, though theoretically unconditional, has its limits; but these limits are moral, not legal; and the right of rebellion—a right of the "higher law" which belongs to every people whose rulers persistently and systematically transcend such limits—could justly be exercised by the colonies only upon such grounds as would justify the revolt of any other portion of the British Empire.

The colonies certainly possessed by their charters, and habitually exercised, many of the rights and powers appertaining to independent sovereignties, as do the several States under the Constitution of the United States. The taking of private property for public use, for example, whether by taxation or by specific seizure, is one of the highest powers of sovereignty. This power was and is exercised by the colonies and by their successors, the States. But it is also exercised by almost every town corporation or other municipal body in Christendom, which, however, are not, for that reason, sovereign. But the colonies enjoyed and exercised other most important sovereign powers, which, by the acceptance of the Federal Constitution, were afterwards surrendered by the States. For instance, while still professing allegiance to the British crown, and long before the Revolution, they raised armies and fitted out ships of war for the defence of their soil and for offensive operations against the French and the Indian tribes; they coined money, emitted bills of credit, and regulated the currency within their own limits; they entered into compacts with each other, and, to a certain extent, legislated on the commercial relations of their own citizens, all of which were acts indicative of sovereignty, and all of which are expressly forbidden to the States by the Federal Constitution. The colonies possessed, then, not only all the *indicia* of sovereignty which South Carolina or New York can, or at any time could, boast, but many highly important prerogatives which the States have for ever renounced. But, notwithstanding all this, it never entered into the head of any man to contend that, while colonies, they were sovereign and independent states; and this for three chief reasons:

They wanted the characteristic token, the crucial test, of sovereignty—the right of negotiating treaties of commerce and maintaining political relations with foreign powers;

Their legislative power was limited by their charters, and in many cases subject to control by the home Government;

And their judicial proceedings were, under various circumstances, reviewable and reversible by legal tribunals not appointed by them or answerable to their jurisdiction.

In these cardinal particulars, then, the colonies were precisely on the footing on which the Federal Constitution places the States; for that embodiment of our organic law, Art. I., sec. 10, expressly forbids them to enter into any "treaty, alliance, or confederation," any "agreement or compact with another State, or with a foreign power;" their legislation is not only limited by the Constitution, but its validity is determinable by the Supreme Court of the United States, a Federal tribunal; and the decisions of their State courts in cases involving questions of constitutional law are subject to the judgment of the same tribunal; besides which, litigant parties who are citizens of different States may withdraw their controversies from the cognizance of State courts and transfer them to the jurisdiction of the Federal judiciary. In other respects, as we have seen, the colonies partook much more emphatically of the character of sovereign powers than do the States, and yet, we repeat, nobody ever dreamed of claiming the attribute of sovereignty for them.

In reply to this reasoning, it may be denied that the considerations I have urged are the real grounds for refusing this attribute to the colonies, and it may be insisted that their *dependent* political condition was a necessary result of their allegiance to a foreign prince. There is no force in this suggestion. George the Third was, neither historically nor legally, a foreign prince with respect to the people of Virginia; his parliament was not a foreign legislature.\* All alike, prince, parliament, colonists, were natives and citizens of British territory—all of the same origin, the same language, the same empire, the same organic law; and no one of them all was legally or morally more foreign to any other than is the District of Columbia to the State of Massachusetts. But admitting the fact to be otherwise, the supposed consequence by no means follows. The sovereignty of a nation resides jointly in the prince or other government and the people. A king, a president, a legislature without a people, a people without a king, a chief magistrate or a government which itself recognizes, neither is nor can be sovereign. When, upon the death of Elizabeth, James succeeded to the throne, England owed allegiance to a foreign prince, for Scotland, the place of his birth, his first inherited kingdom, was, to all intents and purposes, a foreign state. But the English nation did not thereby cease to be a sovereign people, nor did Scotland, which for some time continued to be an independent kingdom, lose her sovereignty because her king had taken up his residence in a part of his realms out of her jurisdiction. England and Scotland were two sovereignties accidentally united, by the chances of hereditary descent, under the same head. Like instances are too common in history to need to be cited. The true reason, then, why the colonies were not individually or jointly sovereign, is, not that they were subjects of a foreign prince or state, but that they had not, either in conjunction with the

prince or without him, either individually or collectively, the essential political powers and attributes of a distinct and independent people.

Up to the outbreak of the Revolution, then, the colonies neither were nor claimed to be in any sense sovereign and independent. When and how did they become so? Certainly not by the mere force of the resolutions or declarations of their individual legislatures or conventions; for no man would contend that Boston, or New York, or the county of Essex, or a confederation of two or more counties, or any mere arbitrarily separated fragment of British-American territory, could have erected itself into a sovereign and independent state simply by means of a resolution to that effect adopted by its common council, its magistracy, or a convention of delegates of its people. For the transformation of a colony or other integral part of a political state into a sovereign and independent power there must be—in addition to the fundamental requisite of distinct and visible, or at least ascertainable, geographical as well as national or administrative individuality—consent on the part of the present government, or the right, the will, and the power to become such on the part of the colony. Nor is it clear that, in all possible cases, even the consent of the metropolitan government alone suffices. Doubtless Great Britain, while still retaining her dominion over the rest of her colonial possessions, might have set off a convenient territorial portion, and, with the assent of its people, have severed it from the British Empire and made it an independent state. But it does not follow that she could have divided her entire American territory into ten or twenty arbitrary districts, and, even with the concurrence of the inhabitants of each as to its own independence, have raised them all to the condition of sovereign states, for the people of the several colonies had reciprocal rights and duties with respect to each other which England could not abrogate, and which the individual colonies could not repudiate.

We come now to the consideration of the true force and value of the much-vaunted declarations of independence by the several colonies previous to the National Declaration of July 4, 1776.

First—admitting that the people of the colonies had just ground and good cause for severing their connection with the British Empire and establishing a new and independent government for themselves—let us consider the effect of these individual colonial declarations as respects foreign powers, and as determining the true political *status* of the revolting territory. Doubtless, as has been already intimated, a colony or other portion of a sovereign nation may in many cases be separated from the parent state and become, at once, a sovereign and independent power by formal grant from the metropolitan government. Such would be the condition of the Canadas, or of Australia, if Great Britain, with the consent of the people, were to acknowledge their independence to-morrow. But in the case of a revolt, justifiable or not, a new political power cannot create itself by mere words, and acquire a political existence by its own declaration alone. The will of the new people to be free, and to constitute an independent and sovereign political organization, must be accompanied by the power to carry that will into effect. Its sovereignty and independence must be, not declared alone, but conquered and maintained by successive acts which require time for their accomplishment. There must be, first, a settled and avowed purpose of the revolting territory to sever itself politically from the parent country and to establish a new and independent organization; secondly, an actual overthrow of the former government by the military force of the territory; and, lastly, the establishment of regularly constituted legislative and judicial authorities, possessing and exercising such governmental functions and such physical means as to enable them, not only to administer the public interests of the citizens and protect their persons and property within the territorial limits, but, at the same time, to maintain towards foreign powers a position sufficiently imposing to secure those international commercial and political relations which are essential to the well-being of society.

The importance of this latter condition is not to be overlooked. The mere exclusion of the old government and its agents and the establishment of a new, will not alone suffice. If Ireland should revolt and drive every British soldier, every British official, from her soil, and should succeed in establishing and maintaining regularly organized political institutions, with all their machinery, but, at the same time, her coast should remain permanently blockaded by the fleets of her ancient mistress, so that she could not maintain free intercourse with foreign states, she would not have become a sovereign and independent nation, because she would not have acquired that liberty of action and those international relations which are essential to the existence of a state. School-boys who have *barred out* their teachers, prisoners who have locked out their jailor, are not thereby emancipated and free, however large and roomy their place of confinement. So long as they themselves are locked in, they are still held to be under the sway of those who kept watch at their gateways. It was by force of this principle that

Great Britain and France, which, to say the least, were not unfriendly to the rebel cause, felt themselves constrained to defer recognition of Southern independence until the seceders should have practically both established their internal independence and opened to themselves free and unrestricted access to the great highway of nations.

Further, the conditions and constituents of sovereignty which I have indicated must have been, at least virtually, accomplished and acquired by the inherent strength of the new state; and so long as it is dependent on other states, powers, or territories for the enjoyment of these necessary elements of national existence, it is not a sovereign, not an independent, power, and no form or number of declarations or even foreign recognitions can make it so.

It would be idle to pretend, in the face of all historical evidence, that any one of the colonies had, previous to the national Declaration of Independence in 1776, individually acquired or enjoyed for an hour—a questionable proposition, that any one of the States which have succeeded to them could, even now, maintain—such a *status* as I have described. The people of no one of them ever had the right or the will, still less the power, to exist as a separate nation; not one of them did expel, or could have expelled, British troops from her soil without the aid of the rest; hardly could any one of the States, at this moment, defend alone its own frontiers and maintain the integrity of its soil against invasion from the others or from foreign States. Cornwallis was not compelled to surrender by Virginian troops, nor was South Carolina delivered from British sway by the unaided valor of her own sons. Our national existence was proclaimed by a national convention, our national victories were achieved, our national independence won, by national troops, and no soldier who shed his blood on the soil of another colony than his own imagined that he was dying a martyr to the liberties of a foreign land.

The early declarations of the several colonies, then, were but words, aspirations for a freedom the true nature of which those who uttered them understood imperfectly, and their mere opinions as to their true political interests were subject to the limitations of both their *powers* and their *rights*. That the colonies had no *power* to achieve their separate independence, is as certain as that the dozen or more nations and fragments of nations which compose the Austrian Empire are now physically unable each to conquer its individual sovereignty, and alone acquire and maintain a place as a member of the European system; and this brings us to the second point—the *right*, namely, of the colonies, severally, to individual independence and sovereignty. What *right* had a *colony* to declare itself sovereign and independent more than any *county* or *town* within its limits? Every one of these enjoyed some of the prerogatives of sovereignty, and the difference in this respect between them and the colony itself was merely in degree. The colonies did not differ from each other in nationality, in language, in fundamental legal institutions, in political principles, in any moral or material interest. They were not divided from each other by natural limits, and their respective boundaries were not framed with any view to their future political separation. In the ignorance of the interior geography of the continent which prevailed when the charters were issued, the most absurd mistakes were committed in defining the extent of the grants. In some cases the colonial claim reached to the coasts of the Pacific Ocean, to which England had no title. In others the boundaries described really enclosed nothing. In some instances the territories granted to different colonies ran across each other. If the separate declarations of independence of the colonies were valid, what common judicature was to determine the extent of the territory made sovereign by them, or to decide questions of title between colonies claiming soil embraced in the charters of both? The whole net-work of colonial boundaries was a cobweb of blunders; it was not merely an imaginary, but an impossible, division of territory which nature had made one, as the people were one, in origin, in allegiance, in tongue, in every great commercial, social, political, and moral interest. True, the respective founders of the different colonies were actuated by more or less different motives in seeking a new home in a new world. But in the century and a half which had elapsed since the first settlements in Massachusetts and in Virginia, the chasms between the opinions of the pioneers of emigration, like the vacancies between their territorial occupancies, had been filled up. Their civilization had a common tendency, their citizens were actuated by common aims, trained in common habits, pursuits, and views of social and political life, common interests had grown up, and the people had become fused into a nearly homogeneous mass, divided only by imaginary lines, which constituted no practical obstruction to the commingling and unification of the whole. In short, to change the metaphor, a new man-child had been born in the family of peoples, and the embryonic life of the colonies had developed itself into a nation. Even dialectic peculiarities of speech had almost wholly disappeared, and at the commence-

ment of the war the people of the colonies were, in character, in opinion, in aspirations, in interests, and in speech, far more emphatically *one* than the population of Great Britain, or even of England itself. Under such circumstances, what right could a territorial jurisdiction, organized by the British Crown for purposes wholly of its own, separate itself from its neighbor colonies, and, because of grievances common to all and of which all complained alike, not only declare itself independent of the rule of the oppressor, but cut asunder all those links of common interest and a necessarily common fate which, in spite of local resolutions and declarations, bound, and still bind, indissolubly together the members of our great American commonwealth?

Nor let it be said that, on this point of sovereignty and independence, the colonies were bound by their reciprocal assent to each other's formal declarations. In those days of a vague political phraseology, of vague notions in regard to rights and powers now first questioned or now first claimed, men did not attach precise ideas to many of the terms which were bandied about by popular orators, by political writers, and even by legislators, and they had not yet come to a clear understanding of their own interests, their own necessities, their own mutual relations, rights, and duties. Hence such assent as is supposed, if, in fact, it had even been given—which, however, I do not concede as a historical fact—by no means proves that one party claimed, or that the other admitted, the pretensions which are now set up in behalf of the original sovereignty of the States. But there is another yet better answer. No one of the colonies being sovereign, no one could be made so by an assent which the others were legally incompetent to give. A family of infants does not become, respectively, *sui juris* because they agree to compliment each other on the attainment of a majority which none of them have reached, and the rights of an inchoate nation cannot be prejudiced, the organic development of an aggregate commonwealth defeated, by ill-advised concessions on the part of local authorities not legally empowered to grant them.

Upon the whole, I think the fact that, before the Fourth of July, 1776, colonial legislatures or conventions had declared an individual independence which they were unable to maintain, and which in the nature of things could not exist; and the further fact, if insisted on, that such declarations had been accepted as valid by other colonies as incapable of sovereign political action as themselves, created no rights, prejudiced no rights, as between such colonies. The colonies were legally released from British sway, not because they declared themselves emancipated, but because the abuse of all governmental power by Great Britain had worked a forfeiture of that power. They were discharged from apprenticeship *by operation of law*, not by their own will alone; but there was no principle of municipal or political law which could release them from their obligations to each other. As a formal acceptance of the legal conclusion that they no longer owed allegiance to a power which had betrayed its trust, as a renunciation of British sovereignty, their declarations were good. As the creation of a multitude of new, unrelated, independent sovereignties, they were impotent and ineffectual. Up to the national Declaration of Independence, then, no colony had become a sovereign State, and in future papers I shall endeavor to show that at no subsequent time did they attain to that condition.

G. P. M.

FLORENCE, Italy, Oct. 1.

THE SOUTH AS IT IS.  
FROM OUR SPECIAL CORRESPONDENT.

XVI.

FAYETTEVILLE, N. C., Oct. 20, 1865.

ABOUT fifty miles north of this city I came upon the upper edge of the sandy pine country, and left oak timber and red clay roads behind me. As I rode out of Raleigh the weather was bright and beautiful, and a soft wind blowing from the south suggested spring to the feelings, though autumn was visible in the many colored tints. But ten miles of the road were hardly passed before the few morning clouds began to spread over the whole sky, the first drops soon came down, and it was evidently setting in for a day's rain. The effect proper to the scenery of the pine barrens is produced best during an autumnal storm. Melancholy and sad always, it is dismal when the sky hangs low and gray over the landscape, when the tree-tops in the distance are obscured by vapor, and the rain, falling steadily on the sand and brown pine needles and rotten logs, forms wide sheets of water in the white road, and black pools where there is a little vegetable mould and the dead leaves are thickest. It is only necessary to come to a human habitation to make the scene appear still more lonesome and gloomy. The house itself is seldom more than a log-hut; in the brown expanse of cleared land many of the pines have been girdled, and hundreds of the lofty stems, bleached white, are standing and leaning at every angle, while the dark green forest,

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withdrawn a little from the road, is still more sombre than when one rides among the trees.

Splashing slowly along, I got so thoroughly soaked with rain before reaching any house where it would be pleasant to stay for the night, that it seemed as well to go on to Barclaysville as to stop short and leave my intended day's journey unfinished. Having ridden, according to my reckoning, twenty-four miles, I came to a large white house with several outbuildings. Taught by experience, I dismounted and asked if that was not Barclaysville. The woman said it was, and, therefore, knowing it to be professedly a house of entertainment, I preferred a request for lodging. She listened, and turning away, walked through the hall without making any reply. It was not a warm reception, but one soon gives up expecting that in Southern taverns. I proceeded to bring my saddle-bags under cover and to wring the water out of my clothes. In ten minutes a negro man came round to the gate and led my horse to the stable. I ventured to take off my spurs and knock again at the door. I asked for a room and a fire. Nearly a quarter of an hour's waiting ensued before I was taken from the piazza to a chamber. By dint of many more knocks I was able to get wood enough in small instalments to keep my fire going till supper time. Meantime a Federal officer had arrived, and the presence of a Yankee in uniform seemed to intensify the landlady's disagreeable feelings: "Sherman's bummers had come to her house on several occasions," she said with asperity. "She never could forget it to the Yankees. They were worse when they had officers with them than at any other times. Wheeler's cavalry always behaved like gentlemen, but the conduct of Sherman's men would have disgraced savages."

After supper the farmer came home, and him we found much more companionable. He was a ponderous man, six feet high, with a good-humored, honest face, and apparently of rather more than ordinary education and intelligence. He put a live coal in a large earthen pipe and asked for news. I spoke of the convention and the two important ordinances to be submitted to the people. "That's what I call nonsense," he said. "Every voter's taken an oath to support Mr. Lincoln's proclamation, and they know we can't vote against the abolition of slavery. What's the good of pretending you can say no when you can't?"

The declaration of the convention that the secession ordinance had always been null and void he also stigmatized as nonsensical. "But we sent them up there to do the work," he added, "and we'll have to be content with their way of doing it. I'm just as loyal as anybody, and I'm going to be a good citizen, but I believe we've had a government here this last four years. There's a good many trying to make out that they've always been sound Union men, when the fact is we were all rebels together. I'm in favor of acknowledging we're whipped and asking forgiveness, and then if the United States won't take us back, why it's not our fault. We've got to eat dirt anyhow, as Vance says, but blamed if I think much of a man that pretends he likes it. I never could keep up with the politicians though."

I remarked that the convention had done nothing in reference to the negro testimony question, and asked him what he thought of it.

"Well, sir, I'll tell you what I think: a white man can't live in this country if a nigger can get to testify. I want to wait till they have more of an idea of the nature of an oath before I let one of them give evidence against me. Why, our lives would n't be safe. They must be educated and elevated first. It won't hutt 'em to wait a little. Let every man, white and black, when he makes a contract, have it in writing, with two witnesses, and there'll be no trouble."

I asked him what he would do in cases where contracts were not in question.

"That might be bad, sure enough, in some ways, but it would produce more evil to let a nigger swear to anything and everything. I have n't any prejudices against 'em because they're free, but you see I can't consider that they're on an equality with a white man. I may like him, but I can't let him come to my table and sit down like either of you gentlemen. I feel better than he is. The nigger has a kind of a scent about him that's enough for me. You Northern men need n't think that we hate 'em; I rather like 'em myself, and I believe we treat 'em better than you would. I know I never got so much work out of a nigger as some Yankees I've seen. In North Carolina it was the hardest kind of work to get a slave convicted for any serious offence. We were so tender of them that we would n't let a slave be tried except by a jury of slaveholders. That do n't look much as if we were inclined to be too hard on 'em, does it?"

We discussed the subject at some length. His first answers were dictated by prejudice, and he seemed to have never before made the question a matter of thought; but at the last he admitted that the country would be

harder to live in if negroes could not testify than if they could. In this respect he was like almost every other respectable man with whom I have conversed in North Carolina.

Colonization was the best policy, he thought. A nigger hated work, and had no ambition; he would do just enough to keep him from actual starvation. His wife believed that pretty much all the niggers she knew would a little rather starve to death than work for themselves or others.

The farmer listened with much interest to an account of Minnesota given by the Federal officer. He wanted to know if that State was in the latitude of Ohio, and appeared astonished beyond measure at the idea of an acre of land producing sixty bushels of wheat. He would n't mind spending a winter in the snow for the sake of the game and fish, but reckoned he never should get there; all his life he'd wanted to go down in one of those Massachusetts vessels and catch these here mackerel fish, but had n't been able to do it. The Minnesota Indians must be bad neighbors, sure. 'Twas the British Government taught 'em that fashion of scalping prisoners; paid 'em so much a scalp in the Revolutionary war.

So we spent the rainy evening in conversation and in watching our wet clothes drying before the fire. Candles were not lighted till bed-time, but the hearth was kept supplied with light-wood, and there was no need of lamps or candles. In the morning, which was clear and cool, I set out in company with the officer, who was going as far as the ferry over the Cape Fear River. He was an agent of the Freedmen's Bureau, and was on his way to Harnett County to organize a species of court or mixed commission for the trial of causes in which negroes and white men are the parties. His orders, based on recent instructions from Gen. Howard, were to associate with himself certain designated gentlemen, and the board thus formed was to have final jurisdiction in cases of comparatively small importance, while serious criminal charges were to be transmitted to the authorities at Raleigh. The citizens acting in these newly-instituted courts receive no compensation for their services.

A nine miles' ride in the bracing air, and through a country seemingly almost uninhabited, brought us to the Cape Fear, with its sluggish stream and banks of mud, on which willows were growing. The negro ferry-man had appropriated to his own use about a hundred and fifty yards of telegraph wire, which everywhere lies along the roadside between Raleigh and Fayetteville, and, stretching it from bank to bank, is able to dispense with a pole in setting his scow across. His people in Harnett had no abuse to complain of now, he said. "They'd feel more better if one of the Yankees was on the spot to see about the dividin' of the crop—that was all." He refused to take any money for ferrying over the Superintendent of Freedmen, and walked some distance up the road to show him the way.

From the river I rode on alone through a thin forest, which showed all the signs of a turpentine region. Almost the only large tree to be seen was the long-leaved pine, and of these nearly every one was disfigured by the axe; the bark having been removed from the trunk in strips of various lengths, the naked place in some being eight or nine feet long, in others no more than fourteen inches; their width was from ten to fifteen inches. These broad scars at the top were shaped like a fish's tail, and at the bottom of each, near the root of the tree, was the "box" in which the turpentine is caught. These are holes cut in the trunk of the tree. Their length is precisely the same with the width of the "hacking" which is to supply them; in width, from front to back, they may be five or six inches, and in depth four or five inches, measured from the outer lip downwards and back in a slanting direction towards the heart of the tree. A virgin tree loses only a foot of bark from the box upward, and at the beginning of each successive year a foot more is taken. In trees a foot in diameter, but one box is cut, and in larger trees the hacker leaves a strip of living bark between each hacking, that they may not be girdled and die. It is the rule that the tree large enough for three boxes shall have but two, and that large enough for two, but one.

A little after noon I stopped at a farm-house, to have my horse fed, and listened for awhile to the grumbling of the farmer. He was not without excuse, for the house and all its surroundings spoke of poverty. The chimney was blown down, so that a fire could not be made; his farm looked as if seed sown there would be wasted; his son lay on a bed wrapped up in his overcoat, and shaking with the ague, and, it being just after dinner, his wife was dipping snuff. "He did n't know how much land he had," he said; "he knew it was monstrous hard to git a livin' off it; he farmed about thirty acres. Had been away that morning trying to git a nigger to come and help in the harvestin', fur his boy was too sick to do anything. More ager round this year than he ever knew before; but the boy'd been well, if he'd not gone off to a Baptist meeting, and got tuck down agin. He could n't hire the nigger he wanted; he'd started off somewhar, like all the

rest. All wanted to travel, and go from pillar to post. One he had—never did own but one, a kind o' family nigger—was goin' off come New Year's. He did n't know what the old critter wanted, nor how she could live; had relations t' other side of the river, she said. He did n't want to keep her, for that matter; she was so old she could n't hardly see to thread her needle. The niggers used to be the happiest people on earth, with plenty to eat and plenty to wear, and no hard work, but they'd find the difference now. On most farms they'd been nothin' but a moth, and emancipation would n't hurt the farmers much, except some that had their wealth in 'em; but there was only a few large slaveholders in that country. Col. M. owned about a hundred black ones, and he was about the richest. The Yankees ought to colonize 'em in the territories, and he had heard they was goin' to do it. He hoped it mout be, for a man that would n't work would have to steal, sartin'. An industrious one yer and thar's nothin', and the best of 'em a man can't put dependence in."

Within the past month I have heard a good deal said in favor of colonization, and said by owners of large plantations, who might be expected to desire a crowded labor-market. Speak to them about the vast expense, and other practical difficulties in the way of removing a whole nation from the country in which it has lived for generations, and which it loves, and one will say that the Government may have all his share in the public lands to pay it for taking away his niggers; another that he will gladly bear a heavier tax than has ever yet been imposed on him as his part of the expense, and that his acquaintances all say the same thing; and all cite Andrew Jackson's removal of the Indians as a case in point.

Thirteen miles from Fayetteville, I enquired my way of an old gentleman, who very civilly gave me copious directions, and with a crutch cane drew a diagram in the sand to make them the plainer. I spared him a quarter of an hour to give him the Raleigh news, and with the rest spoke of the new court then organizing in Harnett.

"That's a very good thing; we needed something of that kind. Now, just to illustrate how the other system worked, I'll tell you about my own experience. I've been up before one of the Yankee officers myself. Sherman's wagons went along this road, you know, and of course some of the animals were pretty much used up, and they had to take 'em out of the harness. There were four or five that fell down between the bridge and the watering place—just could n't put one foot before the other; it was too bad to see 'em. One was an amazing lofty creature, too. I never worked so hard over a beast before. Well, I was out in the lot, and the captain came over and told me I was to pick up all these exhausted mules that could be found within a certain distance, and if I could bring 'em round again, the quartermaster at Raleigh would compensate me for my trouble. I was n't hardly able to do it. I'd been confined to the house ever since '62, and could n't work much then, but I undertook it, not to see the beasts suffering, and I found five. I had feed carried out, and we raised 'em up on their feet again, and did all we could. Two out of the five I found right here by the pontoon, with a couple of niggers standing over 'em. 'Boys,' said I, 'you've no business with these mules, they're in my charge.' The mules were no good, they said; they'd been working two hours to get 'em half a mile. 'No matter for that,' I told 'em; 'I was responsible for 'em, and they must leave 'em alone.' But they would n't; 'they were Sherman's men,' they said, 'and were going to take the mules to Raleigh.' Well,' said I, 'take 'em if you can get 'em there, though it's plain they'll die on the way; but remember that I'll report you, and I'd do the same for any man if he were white as the drifted snow from heaven. I do n't threaten this because you're black; it's my duty.' Luckily, for me, a soldier had come up and heard the dispute. Well, he began to swear at such a rate that the niggers started off. He was surprised at me to hear me talk so calm and mild with them. 'That's the way a man ought to talk on business,' I told him. I reckon it was about a month afterwards that the same two men came to me with an order directing me at once to deliver to the bearers two mules, their property, or to appear on such a day in Fayetteville, and show cause why not. It was signed by one of these Freedmen's officers. Of course, there was nothing for it but to go to Fayetteville; so my son fixed up a side-saddle, and I went, though it was hard work, for I'm sixty-nine years old, sir, and I had n't got well of my sickness, and never shall. The officer read me a written statement, that the niggers had made and qualified to, that I had forcibly taken from them, on such and such a day, two mules which they had purchased at the Government sales. Of course it was all a falsehood, and by means of what the soldier knew I convinced the officer that it was. I told him I did n't blame him for what he had done, for he could do no less if he believed their statement, but I thought it was rather hard to put me to the inconvenience of the journey, just on the assertion of the niggers. I told him I was sixty-nine years of age, and his court was the first I had ever been summoned before for any misdemeanor.

I'm very glad they've established this court you speak of; it's a vast improvement on the old one."

Leaving the old gentleman, I rode on over a solitary road through the forest, hardly seeing a house till I reached the outskirts of Fayetteville. "Yer seven miles and a half from Fayetteville," said an old woman, whom I found at her doorstep smoking, "and ye'll hev to ride it to-night, stranger. But if ye ride a little pearly ye'll be thar early yit. Thar's houses between, but ye won't git tuck in, for everybody's too much worsted, and ye would n't git nothin' to eat."

It soon became very dark, and I rode along, wishing for the lights of the town, when suddenly I was startled by a loud whoop from the roadside. It was nothing but a negro trying to attract the attention of his companions at some distance ahead. Till we overtook them I walked my horse beside him, and listened to his talk. He knew I was a Yankee by my speech, he said. There was a heap of difference always between a Southern man and a Yankee, and he could tell one from the other very easy. He could n't help laughin' to remember what he used to think about Yankees—how they had horns, some on 'em, and on'y one eye. That's what the rebels told him. He had n't felt sure which side would whip while the fightin' was goin' on; kept hearin' that the rebels was whippin' steady, drivin' the Yankees back every battle he did n't know how many miles, so that he did n't know what to think. He pretty much give up. But he used to pray, and he knew if the good time did n't come in his day it was sure to come sometime; that he knew, for the Scriptures said, "In the latter days all mankind, the small and the great, shall eat his bread in the sweat of his brow;" so the white folks would have to work as well as the black ones. But by-and-by Sherman came, and his army covered the face of the earth. "Great God, what a company!"

He was employed on a farm now, he said, and got six dollars a month; he should try to get work in a turpentine orchard. Wages were better in that business, and besides it was more agreeable to work in the shade, and the smell of the rosin was healthy.

Fayetteville is a pleasant town of six or seven thousand inhabitants, on the west bank of the Cape Fear River. Its numerous stores and warehouses are large and solidly built of brick, so that the city seems designed, not so much for the residence and workshop of its own people as for the business uses of a wide extent of country. This peculiarity belongs to the appearance of many small Southern towns as distinguished from those of the same size at the North. The chief business of Fayetteville is the shipment of tar, rosin, and spirits of turpentine down the river to Wilmington, and the sale of manufactured goods to the farmers round about. The river has been lower this season than for twenty seven years previous, and trade is inactive at present, but it appears to be a busy and thriving town.

The following conversation, which I had this morning with a colored citizen of Fayetteville, may serve to show what are the hopes and expectations that have been formed by the most intelligent men of this class—those who deserve to have and who have the most influence with their fellows—the men who framed the recent address of the colored people to the State Convention. He is a barber by trade, a light-colored man, good-looking, and with a face expressive of good sense and good-feeling. He had been a slave all his life till set free by the war, but had taught himself reading and writing, and his talk showed that he had made good use of those acquisitions. What he has read, his reflection upon it, and a careful study of events on which so much for him and his race was depending, has furnished him with a set of opinions in which there is nothing of violence, though they are very decided, and has fitted him to be a leader and counsellor among his own people. This prominence seems to affect his interests injuriously, for his white customers have withdrawn their patronage from the shop of a man who allowed himself to be sent as a delegate to the negro convention.

As to the question whether or not the South shall be re-admitted to the Union before granting the right of suffrage to the negroes, he says that he and his people are quite indifferent. Many care little or nothing about it at all, and many are perfectly willing to wait a few years, thinking that they will not have long to wait. He himself believed negro suffrage a necessary consequence of negro emancipation, if emancipation was made complete. If a black man could testify in court, and in all respects enjoy equality before the law, he would soon begin to educate himself and acquire property, and otherwise make himself respectable, and so prepare the way for his admission to the polls. Both of the great parties would be waiting for them by that time, for the colored population would be an element of such power that the Democrats would try to seize it if the Republicans were not beforehand with them. The South would need them, too, so that

all things considered, he expected to be a legal voter in his native State before he was five years older.

But the right of negroes to testify was something absolutely necessary, and he hoped that Congress would admit no State which had not granted it. If the North Carolina Legislature were to meet to-day, it would probably exclude the evidence of colored men; hardly a man could be found at present to say a word in favor of it. A year or two would probably change the popular opinion; but he hoped that Congress, to prevent the troubles of this year or two, would declare that no State had a republican form of government if every free man in it was not equal before the law, equal so far as the witness-box was concerned; he would n't insist on admission to the jury-box, for it required more sense to be a juror than to be a voter. But who could think it strange if a negro, ignorant and without friends, when he felt that he had no place to go for justice, should take the law into his own hands? Then white men would do the same, they would n't wait either, and there would be nothing but bloodshed and burning.

Very few of the former slave-owners would give a negro a fair chance, and for this reason, as well as to allow time for the minds of the people to cool and to make it possible for the Legislature to be just, he wanted the Freedmen's Bureau kept in existence another year.

He laughed at the idea of a negro insurrection, and said he wished those who talked of it could know his people as well as he knew them. The worst to be feared was the occurrence of individual cases of violence or theft, when some negro saw no other mode of redress; but there never would be a black rebellion. The negroes wanted nothing so much as to live in peace with the white people of the States. What they had done in this very town, in respect to calling in a garrison of negro troops, was sufficient proof of that. When Sherman's soldiers were first taken away from Fayetteville, and the town was put into the hands of the citizens, they showed a disposition to revive the slave code, and to enforce certain city ordinances that were full of the old spirit; negroes were not to be allowed to meet together for worship, unless a white man was present in the assembly; no negro was to carry a walking-cane; one man, after being convicted of some offence, was publicly whipped, and two men who lay in jail, awaiting trial, were taken out and whipped by persons who had no shadow of authority. The colored people did n't think such doings looked like freedom, and some of them began to talk about petitioning for a garrison of negro troops. The citizens were very much afraid they'd do it, but after consultation among themselves, my informant said, "it was decided not to ask for a garrison, but for an agent of the Freedmen's Bureau to come up and adjust the difficulties. We knew that if we wanted to bring about a state of bad feeling between the white folks and the darkies, the surest way to do it would be to bring negro soldiers into town. Besides, we knew from what we had seen in Wilmington, that a negro regiment always has a bad influence on the other negroes, who learn to hang around the camp and be idle. The soldiers stir up strife of all kinds."

The action of the negroes in that matter might have been misconstrued if they had tried to keep white soldiers away. Certainly they prayed about as hard for Sherman to go as they had prayed for him to come. He did n't believe there was a darkey house in the town that the "Bummers" had n't ransacked. A negro with a good suit of clothes, or a new pair of shoes, was halted at once and made to exchange. He laughed heartily as he described a party of them stealing his razors and other implements of his trade. But at any rate the conduct of Sherman's army had produced this good effect on the minds of the Fayetteville negroes—they no longer believed that every man of Northern birth must necessarily be their friend, and they more clearly saw the need of looking to themselves for their own elevation. That was the true policy to be adopted, and the policy which eventually was sure of adoption and of success.

#### ENGLAND.

LONDON, October 7.

I TOLD you, when I closed my last week's letter, that the list of English holders of Confederate stock which was brought over by the mail, then just arrived, would create a stir. My expectation has been fulfilled. But before I speak of this, let me say something as to the authenticity of the document. Of course, it is impossible for me to know what grounds the New York *Times* may have had for accepting it as genuine. But any Englishman with any knowledge of the world could tell that, to say the least, it did not bear the impress of truth. In the first place, remarkably shrewd men of the world, like many of the supposed bondholders, would never have taken such a stock in their own names; in the second, they would never have held on to such large amounts when the bonds were falling day by day as they did

for weeks; and in the third place, many of them were singularly unlikely to have risked their money in what, to take the most favorable view, was a very doubtful transaction. I am by no means a fanatical admirer of Mr Gladstone, nor have I absolute confidence in his political honesty. But I in company, I believe, with every person who has ever come in any way into contact with him, have absolute reliance upon his personal integrity. Throughout a long public life—himself a poor, almost a needy, man at times—he has kept himself pure from the very suspicion of jobbery. Even his bitterest opponents—and few men have been attacked more bitterly—have never ventured to accuse him of seeking personal advancement. And in his position as Chancellor of the Exchequer, and foremost among the ministers of the crown, it would have been a positive disgrace to him if he had dabbled in the loan in question. Every candid person who read the list on Saturday felt certain the insertion of Mr. Gladstone's name was a mistake; and if the list was wrong in one particular, the whole document was probably erroneous. [Mr. Gladstone's name was inserted in England.—ED. NATION.]

Everybody expected that on Monday morning we should see a vigorous disclaimer of the truth of the statements on the part of the persons inculpated. Strange to say, however, the *Times* allowed five whole days to pass from the arrival of the list without disputing its truth. And stranger still, the despatch of Mr. Seward with reference to the Prioleau case was passed over in complete silence. Topics of public interest are singularly scarce just now, and the only deduction even the most charitable could form from this suspicious silence was that, for some reason or other, the "Thunderer" thought it more prudent to hold its tongue. "Least said the soonest mended," is a wise maxim for men in a scrape; but the adoption of the policy recommended by the adage is almost an acknowledgment that there is nothing to be said. Acting on some conclusion of this kind, the *Morning Star*, which, as the representative of the late Mr. Cobden's friends, has a bitter personal grudge against the *Times*, wrote a very bitter article upon the supposed exposure of the venal motives which had induced Mr. Delane and his colleagues to espouse the cause of the Confederacy. The article would have been well merited enough if it had been founded upon fact. It brought out, however, a most furious onslaught from the *Times*, utterly repudiating the story that either Mr. Delane or Mr. Sampson, the city editor, had ever speculated or held shares in the Confederate loan. Ever since the *Times* became the chief English journal, one of its firmest traditions has been in all its original matter to ignore the very existence of any other newspaper. To such an extent was this rule observed, that even when it was found necessary to combat a statement in another paper, the most elaborate periphrasis was constantly employed to avoid the necessity of allowing its name to appear in the columns of the *Times*. But on this occasion the rule was disregarded, and we were treated to a savage article against the *Star* by name, as personal in its character as if it had appeared in the *Eatanswill Gazette*. The *Star* made a somewhat lame apology in reply, and there, as far as the two newspapers are concerned, the matter ended. With regard to the particular issue, the worst you could fairly say of either paper was that the *Star* was premature in giving credence to the story, and the *Times* was unduly dilatory in disavowing it.

As yet the only persons who have not written to disclaim the correctness of the insertion of their names amongst the list of Confederate bondholders are the commercial men, like Isaac Campbell & Co., Messrs. Bigbee, Fernie, Callie, Gillatt, Forbes, Campbell, and the directors of the London Trust Stock Bank. Amongst men of rank, the Marquis of Bath, Sir Henry de Houghton, Sir Coutts Lindsay, Lady Georgiana Fane, Lord Campbell, Lord Donoughmore, and Lord Richard Grosvenor have, as yet, thought it unnecessary or imprudent to deny the truth of the charge; while I am glad to say that Mr. Spence, of Liverpool, is the only man of any intellectual repute whatever who remains silent beneath the imputation. If you ask me how far I believe these disclaimers, I must say I do so thoroughly. No man occupying a public position in this country could sign his name to a distinct falsehood without the certainty of losing his character in the event of detection.

To me, the most remarkable feature in the whole matter is the change of public feeling in England illustrated by this incident. Taking the views for granted which were current in English society not a year ago, it is very difficult to understand why it should be considered a discreditable act to have advanced money to the Confederacy. There is no sin in losing your money, and nobody is ashamed of having subscribed to the Greek, or Spanish, or South American loan, or any one of the many loans which have been introduced on the London market in behalf of some oppressed nationality supposed to be struggling for independence. I know scores of persons in London who are extremely proud of having sent out arms, and ammuni-

tion, and supplies to assist Garibaldi in overthrowing the Bourbon government in Naples; and yet if, as we were constantly assured by the chief authorities, in Parliament and the press, the cause of the South was that of "a gallant nation fighting gallantly for freedom," why on earth should it be wrong to have aided the Southerners with money as well as with good words and wishes? Of course, be the merits of the struggle what they might, men in the position of Mr. Gladstone and Mr. Delane had no business to have any pecuniary interest in Confederate funds; but Mr. Beresford Hope, Mr. Gregory, or Mr. Lindsay were simply practising what they preached, if they assisted the Confederacy by any legal means in their power. Yet these gentlemen are as indignant now at the supposition of having held Confederate stock as if they were accused of having picked a pocket. To do Mr. Hope justice, nobody would suspect that his advocacy had been purchased by a bribe of forty thousand pounds of any doubtful stock. His wealth, apart from his character, would protect him from such a suspicion. The only possible explanation is, that public feeling has awoke to the conviction that the cause of Secession was a disreputable one, in which England never ought to have taken any part, directly or indirectly. The growing unpopularity of the Southern cause is due very largely, perhaps, to its utter failure; partly, too, to the tameness with which, in the opinion of their former admirers, the Confederates have accepted their defeat, and, in no small measure, to a worthier cause. At last the British public cannot close its eyes to the fact that the triumph of the North ensures the destruction of slavery. It may seem astonishing to you that this perception should only just have reached us. As a nation, I admit freely, we were stupidly blind with reference to the real character of your contest. To a certain extent we were, no doubt, wilfully blind. But be the cause stupidity or obstinacy, our blindness was an undoubted fact; and till very recently the British public sincerely disbelieved that emancipation would be the result of the Northern victory. That illusion is now dispelled, and when once the English instinct recognized the fact that the support of the Confederacy had really meant the support of slavery, the pro-Southern feeling died rapidly away. This reaction of popular sentiment is the real reason why the whole tribe of pro-Southern sympathizers—the members of Parliament who put themselves out of the way to show civility to Messrs. Mason and Slidell, the writers who could never find epithets vituperative enough for the North, or laudatory enough for the South—now turn round and pretend to be indignant at the idea that they could have aided or abetted the Confederate cause by the loan of money. I, and I think most independent men, should have had more respect for them if they had stuck to their text. The "*causa ricta*" may be a very bad one, but still it is scarcely honorable to desert it the moment its defeat is acknowledged. At the present time these pro-Southern sympathizers, who repudiate all connection with the loan, are very much in the position of the Scotchman who said he would swear to the truth of his assertion, but would not bet.

In spite of the heat of the weather and the manifold reasons which would naturally induce any reasonable being to prefer the open air to a heated lecture-room, the annual gatherings of our scientific and philosophical societies have been unusually crowded. Everybody who has any crotchet of his own to ventilate has gone to the Social Science Congress, at Sheffield. In itself, I do not wonder at this. Given a theory, the desire to diffuse it is stronger than almost any passion to which mortality is subject. But what is to me a mystery is why hundreds and thousands of rational human beings, who have no hobbies of their own to ride, should be found ready to listen patiently and willingly to the discourses of any one who has a theory to propound. Surely, England and America are the only two countries in the living world in which grown-up men and women find delight in attending lectures at local athenaeums. Lord Brougham, of course, delivered an inaugural address, and mumbled forth the usual string of commonplace platitudes intended to be profound. There were the usual elaborate disquisitions, "*de omnibus rebus et quibus dem aliis*," and as much twaddle was talked as the audience could be induced to listen to. The one "*lively*" speech, if I may judge from the reports, was that of Mr. Hughes, the member for Lambeth. Speaking in the model city of trade combinations, as the professed advocate of the working-men, and before a large assemblage of mechanics, Mr. Hughes had the courage to point out the absurdities and iniquities of the trade-union system. He dwelt upon the suicidal policy of opposing the introduction of machinery, on the unfairness of interfering with the private habits of the members, and on the injustice of interdicting mechanical improvements which would materially diminish the deleterious effects of working in an atmosphere of steel-dust. Unwelcome as many of his truths were, they were received patiently enough by the working-men, who admitted the substantial justice of many of his charges, but pleaded that the worst feature in the trade-unions—the system of intimidation pursued

towards non-members—was now done away with. I hope the defence may be true, but in the height of a strike, when men are starving for want of work, they will never tolerate calmly the spectacle of other men performing their work on the very terms they themselves have struck to avoid compulsion with. I have no love for trade-unions, as I think them injurious to the country; but if I was a working man I should assuredly belong to them; and all the papers ever read at social science congresses will not persuade working-men—or any other set of men, for that matter—not to study their own interests.

A church congress, too, has been held this week at Norwich, at which an enormous number of Church of England clergymen have assembled to discuss the condition of the religious world. The most noteworthy feature about the meeting to the laic mind was the determined stand made by all the clerical speakers in favor of the Establishment in Ireland. Some of the speakers went so far, indeed, as to acknowledge that a national church which was only the church of some sixth part of the population was an anomaly; but one and all declared it must be maintained, notwithstanding. And Archdeacon Denison, who has a fatal talent for saying what his own supporters would sooner have left unsaid, blurted out the remark that, if we once admitted the principle that a national church must be the church of the majority, it was by no means absolutely certain that the Church of England herself had any right of existence.

To turn from the pulpit to the stage, we have had this week a most unusual occurrence in the theatrical world. A play has been within an ace of being damned. Now-a-days, the words "subject to approbation"—with which a new piece is still announced at some of our theatres—have become a mere formula. A play may be successful or not, but it is run till it ceases to draw. The truth is, that the regular audiences of play-goers, who used to sit in judgment on new dramas in the days of the Keans and Kembles, have disappeared utterly. Each night the London theatres are crammed, but they are crammed with fresh audiences composed of strangers. The railroads have so united town and country that a new provincial public has been called into existence for London play-houses. The approval or disapproval of one night's audience has little, if anything, to do with that of the ensuing or preceding one. Amongst many other causes of the decline of our drama, I take this to be a not unimportant one. As things are, theatrical managers never contemplate the possibility of having to withdraw a piece the first night because it does not suit the taste of the public. However, for once, this fate was very near befalling Mr. Charles Reade's dramatized version of "Never Too Late to Mend," which was produced at the Princess's on Wednesday last. The novel was an immense success over here, and, I believe, was very popular in America. Several versions of it have already been brought out on the stage; but without the author's sanction or supervision. Considerable interest was felt about the play, by that small literary world which still cherishes the grand traditions of the English drama, from the fact that Mr. Reade is the only literary man of eminence who has sought, of late years, to gain fame as a play-writer; and the audience assembled on the first night was, as usual, a friendly one. Unfortunately, the famous prison scenes in the novel, where the boy Josephs is tortured to death, proved so disgusting in their ghastly literalness of reproduction, that the play was almost hooted off, and only brought to a close after much stormy opposition. Mr. Reade is a pre-Raphaelite amongst modern dramatists. Anything in his play was nothing if not real. We had a real tread-mill, and live wardens and felons in real gaol attire, and a real crank, and a real iron stair-case, and everything as like a real prison as art could make it. If our English theatre were flourishing, I should say this realistic tendency was a very dangerous one; but it has sunk so low, nothing could well injure it.

As a curious little scrap of history, bearing on the great question of your day, let me quote to you an opinion of the great Napoleon with reference to the negro question, which, I believe, is very little known. Half a century ago a certain Lord Vernon—one of the Fox and Holland set—called upon Napoleon at Elba, and had a long conversation with him on many subjects, the particulars of which he recorded in a long letter, which has lately been reprinted for private circulation. Amongst other subjects touched on in the conversation was that of slavery in St. Domingo, about which the Emperor expressed himself thus:

"The only mode of abolishing slavery altogether would be to permit polygamy. He had proved this opinion at Cairo, where he had observed that difference of color does not affect the estimation which belongs to individuals. He attributed this quality to the prevalence of polygamy. Men are 'gourmands en amour,' and, when permitted, will prefer having wives of various colors. The customs of the East allowing this indulgence, females of different complexion frequently meet together under the roof of the same husband from distant parts of the Asiatic and African continents. Thus the offspring of a white, a mulatto, and a black are brought up together, sit at the same table, and receive the same education, which

removes the prejudices prevailing generally amongst the whites against persons of color. He therefore had proposed once to a French bishop that polygamy should be permitted in the West Indian Islands; but monseigneur would not hear of it."

So much for the Napoleonic solution of the negro question.

#### RESTAURANTS AND THEIR FUNCTION.

WHEN the "Physiologie du Goût" was written, the author conceived it to be his duty to set forth the actual and possible uses of restaurants. It might have been thought by a less enthusiastic writer of the time when gastronomy was in its glory in Paris, and some of the great *restaurateurs* of the first dynasty in the zenith of their power and their fame, that this question was disposed of; but Brillat-Savarin gave the world a page on the advantages of restaurants with the gravity of a philosopher announcing newly discovered truths to an expectant world. Four good reasons he found why there should be restaurants—reasons which it is not necessary to quote or to translate verbatim, reasons quite sufficient and satisfactory, but likely to occur to every one, reasons which were certainly not needed to convince those for whom restaurants were intended—those "qui n'ont point de cuisine chez eux, on qui en sont momentanément privés."

But this disappointing book—which we never open without renewed wonder that it has so long maintained unchallenged its position as the Koran of gastronomy, which fails to take high ground in considering the whole important subject, which treats the whole commissariat department of the world's industry as a mere means of luxury—fails in this also, that it scarcely alludes to the principal and only essential good quality, the highest and only very high value, of that important institution, the restaurant. As mere accidental conveniences or as places of self-indulgence they would be unworthy of our consideration.

It is to be regretted that Dr. Samuel Johnson never wrote the cookery book which he proposed to write. But it is vastly more to be desired that some modern philosopher should do so. The valuable works of Ude, Soyer, and Francatelli leave a gap yet unfilled. They are written by men of active life, engaged in the arduous duties of their profession, and treat of cookery and its attendant arts too much as these arts are practiced in their own kitchens. Soyer's experience, indeed, is wider and more general; but his published works are, nevertheless, too much the maxims of the empirical practitioner, too little the consideration of the subject from a stand-point whence it can all be viewed. Mr. Kirwan's "Host and Guest" is intended to supply the deficiency, but it is too hasty, too ill-arranged, too vague, and contains really too little matter of importance to be of any permanent value.

The restaurant is a potent civilizer. The restaurant is progress. The restaurant is as important a branch of that modern material civilization of which we brag so heartily as the railroad or the telegraph. The mere fact of rapid motion is not in itself more important than the fact of good and wholesome food. The restaurant offers such aliment as all men should have to the few who have ample means. In like manner, the railroad moves the tolerably rich rapidly, but in intense discomfort and at peril of life and limb. We expect that in the far future all the community will be able to travel swiftly, with tolerable comfort, and with comparative safety. In like manner, we expect that in the far future all men will be fed as nature certainly would feed them if the cooks would let her.

"God sends meat, and the devil sends cooks." There is no man of sensitive organs who has not felt that this task of the devil's has been discharged with all the vigor, completeness, and personal attention to details which that potentate gives to every work he undertakes. His emissaries of the white cap and apron are everywhere and always busy. Discomfort, sickness, and premature death abound, which are as clearly their work as if they uniformly mixed in what they prepare quicker-acting poisons than those in which they are accustomed to deal. And if the devil has cooks in his pay, he has wine merchants as well. It is a theme too unsavory to dwell on; moreover, it is a theme on which nearly every one can learnedly discourse. The dealers, indeed, have so vitiated the taste of the people that but few can tell where the poisons are, but everybody knows that they are almost everywhere. Go out of the city on any railroad you choose, stop at any station, hap-hazard (always supposing you reach the first station in safety), go to the best hotel, eat the best dinner you can select from the crowded bill-of-fare, drink the highest-priced or most promising-titled wine on the list—and be sure that you have dined very badly and shortened your life as much as added dyspepsia and internal disorder can do it. Does any one wonder why the farmers' wives and daughters are so sickly and wan, and either die young or live to withered and infirm old age? Probably not, for the three causes are known to everybody—over-work, or, at least, over-

anxiety, foul air in the dwelling, and ill-chosen and ill-prepared food, especially old pie. Of these causes the last is not the least. The execrable, astounding, crushing badness of the food of most of our rural population is a sad thing to think of; a most mortifying thing to think of in connection with the general excellence of the raw material from which it is made, and the expense and trouble that go to the preparations for the table. Nor have the dwellers in cities much cause to think themselves more civilized than their brethren of the "rural districts." They also live badly enough, so badly that worse would be thought impossible but for the experience of the country; for them also is the generous provision drawn from hill-side, prairie, meadow, and sea manipulated and tortured into a barbarous diet, to which the fare of Kalmuck, Abyssinian, or Tasmanian is at once an *Apicus*' feast and a Graham's wholesome regimen.

The use of the restaurant is to raise the standard of good living. It cannot be set too high. We cannot require too much of our purveyors. No dish is too plain, no process of preparation too simple, no article of food too cheap and popular, no stimulating or comforting drink too commonplace, to be made to conform to the highest standard of excellence which the wit of man can set up. And it is the influence of restaurants, and this influence only, which, up to this time, has been found available to establish and maintain any such standard of excellence.

Are there objections to restaurants? Let us consider them. Do they minister to luxury? If so, the blame is with the luxurious. Tailors and silversmiths—yes, and booksellers and painters—administer to luxury; but the blame is with the luxurious. If anybody spends his fortune on eating, the fault was in him from the beginning, and he would have spent his money other ways if not in this way. If anybody ruins his health by excess,

"—the bane is in his shallow skull,"

not in the restaurant that filled his orders without question. Let us say, with Dr. Holmes,

"'Tis but the fool that loves excess;"

and go further and say, with Brillat-Savarin,

"The man of wit alone knows how to eat;"

and again :

"Tell me what you eat, I will tell you what you are."

And luxury itself should not be denounced as if it were unmixed guilt. Luxury is good, when it can be harmlessly indulged. The man who despises luxury, or does not enjoy it when it is within his reach (as Theodore Winthrop has said somewhere), is an incomplete man; it is he only who cannot dispense with luxury that is "a weakling and a soft." The daily outlay on your table of sums of money that would give you the companionship of literature and art, that would give you a horse to ride, that would enable you to add in many ways to the world's wealth, is wrong; but, it being granted that comfort is absolute good, and worth striving for, it is hard to deny the additional proposition that luxury is good too—when it can be innocently enjoyed. And, at all events, whatever its possible evils, it has this certain good—that, but for luxury, comfort would not be so general and so accessible. If the restaurant found no patrons but health-seekers and very moderate diners indeed, fellows who

"—almost could dine on a *poulet au riz*,  
(Fish and soup, and an omelet and that),"

and wine-drinkers who are satisfied with sound Medoc, or table sherry, the growth of the great interest we are considering would assuredly be slower. They who indulge "without limit" in the pleasures of the table, help to maintain in great perfection those great establishments which set up the standard of good living. As the Cossacks who, in 1815, carried away half a million bottles of champagne from M. Moet's cellars were capital advertising agents—Russian orders for his wine burthening the mails for years thereafter—so the Clos Vougeot and Steinberger carried away *en détail* by extravagant diners help to give a better wine at a lower price to those who limit their outlay to that which will buy the wholesome and pure. The expensive dishes, which it is well not to eat or pay for too often, help toward the providing of good soups and roast and boiled meats for people of abstemious habits.

Moreover, there is to be considered the inducement which is offered to men of ability to devote themselves to cookery. It is probable that those men whose names stand highest as cooks, who have not been in the devil's service, would have declined a trade that offered them no prize more brilliant than the satisfactory consciousness of having benefited humanity. Fame was not so to be gained, nor fortune, nor was even contemporary reputation so sure to follow merit. But as ministers to the pride of nobles and princes, and partners of their social celebrity; as inventors of dishes, by means of which their names would be immortalized, their ambition was gratified and their talent improved at once. Béchamel would not have begun the era of

modern cookery but by being satisfied to rule the household of Louis Quatorze, and give his name to an indispensable sauce. Carême *père*, immortalized in another way, took, not gave, a name, and is known now by the French title of that season of Lent whose rigorous diet he turned into enjoyment. Vatel, who killed himself because he thought his arrangements to entertain Louis Quatorze had failed, and would not survive the disgrace, would probably have felt less enthusiasm in the service of the world of common people whose daily food most needs the services of such men as he. And the restaurateurs, also—Beauvilliers, who first kept a restaurant on modern principles; the brothers Véry, who long reigned supreme; the famous and unfor-gotten Trois Frères Provençaux—such men have gained an enduring fame by service to the refined sensuality of the rich, which they might not have gained by helping the general public to that which they so much need. So that, without giving any credence to the transparent fallacy that the extravagance of the rich helps the poor directly by distributing moéy, we cannot lose sight of the good that may indirectly result from that extravagance when it tends to raise the standard of any branch of human industry.

The standard of good fare is raised, we have said, by the restaurant; not *should* be raised, but is, of necessity, from the very nature of the institution. What is a restaurant? We cannot object to Brillat-Savarin's definition of a *restaurateur*, which carries with it the explanation of the nature of his establishment, and which we thus translate:

"A restaurateur is he whose trade consists in offering to the public a feast always in readiness, the dishes composing which are separately furnished in portions, at a fixed price, at the command of customers."

We have been thus particular in defining a word which to many must seem to need no definition, because we exclude from the rank of *restaurant* all establishments which provide a "*table d'hôte*," and even those which offer meals "*d'prix fixe*." The restaurant proper is altogether "*à la carte*." The permanent bill-of-fare of dishes served every day, and dishes which can at any moment be prepared to order, has a constantly changing appendix, the *carte du jour*. The *habitué* knows what the always-to-be-had dishes are; he needs only to consult the daily *menu*; that he studies with religious care, and the limits within which he can choose are thus laid down before him. The duty of a restaurateur is, then, to provide day by day a varied and abundant table, from which the chance comer may select, according to his taste and means, the dish or the many dishes which he may require for breakfast, *déjeuner* (a very different thing, in spite of the dictionaries), luncheon, dinner, supper, or snack or collation of any sort, and at any hour from daylight till midnight. But he adds to this first and, on the whole, most important duty, the consequent charge of providing, "*noces et festins*," dinners and breakfasts and feasts of all kinds according to previous order and agreement as to price. The agreement having been made with him to furnish a dinner for ten persons at blank francs or dollars a head, it is left to his skill and ambition to provide suitably and worthily for the occasion.

The tendency, then, of a true restaurant is necessarily upward, for the inducement is irresistible to provide constantly greater variety, choicer selection, more faultless cookery, and to charge such prices as will prove remunerative. Nor is the argument *d'priori* at all needed in this case, for experience has shown that this is the tendency of individual establishments and of the whole restaurant system.

Where is the best cookery in Europe? In France. And where are the best and most numerous restaurants? Also in France. There are a dozen restaurants of name in Paris alone, each of which is better than the best elsewhere in Europe. With critical acumen the experienced *bons-vivants* declare that the establishment of the *Frères Provençaux* is eminently successful in two dishes only—*côtelettes provençales* and *moule à l'ail*; that Véry's restaurant made and deserves its fame because of its judicious use of the truffle, and that Robert and Philippe have but little success except in dinners ordered in advance; but all this is comparative only. All these, and Bréban's and Véfour's establishments, with others, are first-rate restaurants, and a first-rate restaurant is one where every dish served approaches absolute perfection. But in France good cookery is general. As no American can form any accurate conception of what is meant by these words, unless he has seen and experienced the delightful truth, we may be allowed a word or two in explanation of our apparently ridiculous assertion. First, then,

the traveller steps into any *café* at the Palais Royal, or along the principal streets or on the boulevards, the refreshment that he takes will be well prepared and neatly served, the coffee hot, strong, and fragrant, the bread, butter, and milk excellent, the ices almost perfect, the cognac excellent and pure. At every corner boys thrust into his hand little bills, from which he learns that this *traiteur* and that offer dinners at one and a half francs, at two francs, and at three francs, and that for two francs he will have "a good soup, two fishes, one of vegetables, a salad, a dessert, and a flacon of wine," and at

other prices in proportion. Let him try any one of them, say at three francs, and he will find a better dinner than he will get at any American hotel table, and a half-bottle of wine of a quality as good as claret for which we are accustomed to pay long prices. But he can go lower and try the *crêmeries*, at each of which he will find an old lady who will make him an excellent omelet with two eggs or with three, at his choice, give him a great bowl of delicious *café-au-lait* and a mountain of sweet and delicate bread, for a price whose smallness will astonish him. Or he may leave Paris and wander forth over the land of France, and he will find strange things. He will find restaurants, *cafés*, and *estaminets* where what is set before him is really fit to eat and drink. He will find (incredible as it is) the *buffets* of the railroad stations the best restaurants in their respective towns. He will find skilful and savory preparation of food among the towns-people and the peasantry, with such economy of fuel, and such small space occupied by the work, as seems fit for doll-house cookery only. Now, we do not assert that the restaurants have brought all this about, but that they help it is evident, and that where restaurants are not, the good cooking is not, is as evident. Take England as proof negative. There are no restaurants in England. There are one or two eating-houses in London which have the air of restaurants, until a fair trial shows the hollowness of their pretensions. There are, or recently were, but two establishments in all great London that could even be mistaken for restaurants. And there is no nation in Europe in which there is so much bad cookery and so little good as in England. The saying is attributed to Ude, that cookery, when it is good in England, is better than it is anywhere else in the world. But where is it good in England? It is good in the houses of the very wealthy, and it is good in the great clubs. These, of course, exercise no appreciable influence over the general character of English cookery, which, therefore, remains very bad. One or two national dishes are generally well prepared—not the beefsteak, which is seldom good in England, but roast-beef and mutton-chops, which are nearly always good.

Not many months ago the English papers announced that a great restaurant was to be established in London, by a company formed under the Limited Liability Act, and under the name of "The Delmonico Company—Limited." The paragraphists then explained to their readers that "Delmonico's," of New York, was the greatest restaurant in the world; of an excellence of attainment equal to the best Paris restaurants, and of magnitude and splendor far surpassing the most important of them. These statements, which, very likely, the paragraphists only half believed, are nevertheless true. Their appearance in European journals is only a part of the wide-spread celebrity which, within the last four or five years especially, has been rapidly spreading wider. It would be impossible to write a full history of restaurants down to the present time without describing at length the rise and growth of this singular and most successful enterprise, the establishment of a perfect restaurant in a land where the cooking is almost uniformly bad. For our present purpose "Delmonico's" will serve as the living example of all that we have still to say about the nature of restaurants and what they ought to be. We are at no trouble to choose our example, for, while the restaurant in question seems to have taken rank as the most complete, and, on the whole, the best in the world, it is entirely without rival in America, and alone approaches perfection where all else is mediocre or worse.

If the history of the concern is ever written it will probably be interesting, for the growth of the undertaking from its commencement, in 1827, until now, has been contemporaneous with the progress of New York from a big town to a metropolitan city. New Yorkers do not know much about the history of their city, but it is not the less full of interest, and "Delmonico's" has grown with the city's growth, and strengthened with its strength, until each is full-grown and strong. The parallel cannot be carried far, for it is probable that good management of its affairs has had something to do with the success of the one, while the development of the other has been in spite of, and not in consequence of, such management as it has had.

The originators of the enterprise were two brothers Delmonico—Swiss—who had kept a confectioner's shop in Geneva, and who commenced the same business in William Street, New York, not far from the present restaurant building there. They also opened a *café*, and not long afterwards a restaurant. The latter change must have been about 1830, and it was in that year that the present head of the house, Lorenzo Delmonico, joined his uncle in their business. They were burned out in the great fire of 1835 removed to Broad Street, and there built the existing building at the corner of Beaver and William Streets, and began business there in 1837. For a time they also occupied the house 23 and 25 Broadway, where the Stevens House now is. We are coming to modern times now. Nearly every resident of New York will remember the old Irving House, which filled the block opposite Stewart's, on Broadway, between Chambers and Reade Streets. It

was in 1855 or '56 that this was abandoned, and the central part torn down and replaced by a white marble building. The south wing, at the corner of Chambers Street, was taken by the Delmonicos, and it still remains in their possession. The large dining-room *au premier* in this building is still the pleasantest public dining-room in New York—exception being made in favor of one room, which is *sometimes* a dining-room, of which more hereafter.

At each of these places—at the corner of Beaver and William Streets, and the corner of Broadway and Chambers Street—a full restaurant business was and is done; but there was but little display and splendor at either, and the facilities for private entertainments were limited. In fact, some of the characteristic features of a great restaurant were still lacking. Perhaps the demand for such a thing was not sufficient in the immature New York of 1856, although then we thought New York a great city, and Delmonico's a capital restaurant. These things are comparative. No judgment is valuable and no statement accurate until the standard of comparison is known and understood.

In 1861 the restaurant was opened which is the most widely known. It is since the beginning of this, at the corner of Fifth Avenue and Fourteenth Street, that "Delmonico's" has become generally known outside of New York. At first, the corner house, formerly Mr. Grinnell's, contained the whole establishment, but after a few months the house next door was added, and the entire building, a hundred feet wide on Fourteenth Street, devoted to the purposes of a restaurant.

If there is any reader of this who has never dined or breakfasted at Delmonico's, he will like to know what the accommodations are. There are two large public dining-rooms, both on the ground floor (*rez-de-chaussée*, shall we say, when talking of a French restaurant?) and connected. Each of these is about twenty, or perhaps twenty-two, feet wide, and about seventy-five feet long. Back of these, also on the ground floor, is the *café*, an enormous room, perhaps thirty-five by an hundred feet. According to strict etiquette that fare only which is usually supplied by a *café* ought to be served in this room, to wit: coffee, chocolate, and tea; all wines and liquors and drinks of various kinds; bread and butter; raw oysters; boiled eggs, perhaps, or an omelet, if any one wants to spoil his morning's coffee with them; radishes, olives, cheese, and all the *hors d'oeuvres*; ices. But the kitchen is near and the waiters obliging; you can have almost anything you want at the marble tables, if you are afraid to face the ladies in the dining room. Smoking is, of course, allowed here, but nowhere else in the building. Over the *café* is a room as large, amply lighted by large windows and skylight, smoothly floored—a ball-room all winter, but in summer, when balls are not and when the crowd is great in the evenings of those who seek ices and iced champagne, a dining-room. The pleasantest public dining-room, to us, is one so large that we are solitary and isolated in it, how near soever our nearest neighbor's table may be. The rest of the building is nearly all taken up with rooms for private parties; there are half-a-dozen pleasant little cabinets where not more than eight persons can be seated at table, and there are large rooms where stately dinners of two or three score guests are held.

There is skill in using a restaurant aright, just as there is skill in using a microscope: you shall work at your magnifier six months before you understand it; you may dine many times at the best restaurant, and not know how to dine there after all. There is no day that people do not sit down at Delmonico's tables and, if there are two of them, order roast beef for two and boiled potatoes and another vegetable for two, and then wonder what dessert (as they call it, meaning *sweet dish*) they shall have, finding no names on the *carte* of the pies and puddings they know. They are not only ignorant *what* to order, they do not know *how* to order, how to use the facilities offered them and get the full benefits of the cooks' labors. Two connoisseurs at the next table will order nothing which, like a joint, has to be cooked and kept hot; they order only those dishes which are freshly prepared at their order. And they order nothing "for two," but soup for one, fish for one, and so on, or very often leave it all to the head waiter: "A nice little dinner, Louis, and such and such wine;" or else to the waiter at their table, "such a soup and such a fish, and the rest as you please." They can trust the waiter to tell them if there is anything unusual in the *carte du jour*. To be sure there is a difference in waiters. And there may be a difference in the same waiter between his attendance on the gentleman who treated him politely and gave him a big fee yesterday and his attendance on an unprepossessing stranger. But the tendency at Delmonico's is towards first-rate attendance on all and at all times. We hasten to avoid the large subject of waiting on table and service in general, and hurry on.

The luxury attainable at a restaurant like this, ought to teach our people something about comfort. It ought to raise their standard. Hotel tables and private tables alike ought to be always compared with Delmonico's

table—to their confusion, it is true, but to their bettering as well. Married people keeping house, unless they are very highly trained already, should dine at Delmonico's once a month at least, often if possible; vary their entertainment as much as seemeth to them good, and think of nothing but their dinner. If they do not learn something, it will be because they cannot learn from experience. The standard cannot be set too high. You need not grumble and scold because you know that the dinner at home is not as good as it might be; in fact, you ought to know that it is not as good as it might be (if that is the case), and you ought not to grumble and scold. Ignorance is very seldom bliss; it is only the painlessness of torpor. Know all about it, see where the fault is, notice how others avoid it, discover speedily that you might be very much better fed than you are without added expense. If you are the right sort of man or woman, you will be not a bit less comfortable yourself or less agreeable to others; but you will somehow help the matter, if your table can be improved, and influence others to advance the good cause of good living.

## Literature.

### LITERARY NOTES.

THE existing understanding which, in the absence of an international copyright law between England and the United States, secured some remuneration to American authors abroad, is threatened with disturbance and a return to first principles—that is, the right of the strongest—from a very paltry cause. The bone of contention in the case is nothing more important than Artemus Ward's "Among the Mormons," though when we learn that one publisher, Mr. J. C. Hotten, has already sold eighty thousand copies of his shilling edition, even such ephemera assume a degree of consequence when viewed through trade spectacles. A rival publisher, S. O. Beeton, well known as an industrious compiler of some useful books of reference, had, or fancied he had, claims to Artemus Ward's lucubrations, and annoyed at being deprived of so salable book, he has just issued advertisements announcing that he will reprint, in London, every successful American book, without any arrangement of, or benefit to, the authors, and in defiance of any courtesy or right that has been heretofore generally respected except by some professed pirates of the press. Even were the English law on the subject positive, instead of being deductive and inferential, there are so few single books that would pay the expense of a chancery suit, that Mr. Beeton may probably go on for some time unchecked. In the great case involving the copyright of Washington Irving's writings, between Mr. Murray and Mr. H. G. Bohn, it is understood that the expenses of each party were over £2,000, and a much larger outlay was impending, by the issue of a commission to collect evidence in America, etc., when the dispute was ended by a compromise, which left the legal principles at stake as far from being settled as ever. Mr. Beeton, of course, says his object is to make the state of things so bad that the United States will be forced to mend it, by the adoption of an international copyright, for the sake of their authors; but such general philanthropic professions have often been found before now in company with individual selfishness.

—Undeterred by previous failures, the publishers of Tennyson's poems announce an illustrated edition of "Enoch Arden," with designs by Arthur Hughes, one of the less known painters of the Pre-Raphaelite brotherhood. This, it will be noticed, is a year behind the accomplishment of a similar purpose in America, last Christmas having seen two rival illustrated editions of the same poem produced at Boston. In England, at least, Tennyson's writings have not lent themselves felicitously to artistic illustration. The edition of the "Poems" published in 1857, illustrated by Millais, Rosetti, Dyce, and others of the same school, was a long time in preparation, and great things were expected of it. So little, however, was the public taste fitted for its reception, that the book was a commercial failure in England, and in America the importer who had agreed to take a quantity actually threw up his bargain in disgust at the character of the illustrations, so little in accordance with the prevailing fashion of the day. A very large edition, ten thousand copies, was printed and issued at a guinea and a half. The unsold portion of them—as many, it was said, as eight thousand—finally came into the hands of Mr. Routledge, for about six shillings per copy, and were gradually disposed of at a reduced rate until now, when we believe the book has become scarce. The embellished edition of "The Princess," with Macclise's illustrations, was not more successful. A much smaller number of copies were printed than of the "Poems," but they met with the same fate, and fell into the hands of the buyers of "remainders," through whose mediation books that disappoint expectation are dispersed at a price more consonant

with the public demand than the arbitrary rates affixed to them by the original publishers.

—A new literary adventure, in the shape of "The Argosy, a Magazine for the Fireside and the Journey," will start in London on December 1st. The distinguishing feature is the price, sixpence per number, each number to contain one hundred pages, and to be well illustrated. It takes the field in opposition to "The Cornhill," "Temple Bar," etc., that were lately considered miracles of cheapness at one shilling. A new serial story by Charles Reade will be a feature of the first volume. The publishers are Messrs. Low, Son & Co., well known for their connection with the American book market, and the liberal courtesy they have always displayed towards authors from the United States whose works they have republished, so that among the freight of "The Argosy" will probably be found some literary wares of transatlantic origin.

—The original text of the famous Asiatic traveller, Marco Polo, "Citizen of Venice, Privy Counsellor, and Imperial Commissioner of Kublai Khan," is now about being published at Paris for the first time, edited by M. Pauthier, the celebrated Oriental and Chinese scholar. It is curious that this should yet remain to be done for a book that has passed through sixty editions in the various languages of Europe, from 1496 to the present time and of an author whose information decided the purpose and enterprise of Columbus, while as late as the last century his authority sufficed for the great geographer, d'Anville, upon points in the geography of Central Asia, where no assistance could be gained from any other source. After Marco Polo had returned to Venice, like another Rip Van Winkle, from his twenty-six years' residence in the East, as a good citizen he soon began to take an interest in public affairs, and, fitting out a galley for the service of the republic, he was taken captive and thrown into prison at Genoa. Here he chanced to meet with a companion in misfortune, Rusticien de Pise, a literary man of Italian extraction, but whose books had been written in Northern French. To enliven the tedious hours of imprisonment, Marco Polo dictated his adventures to Rusticien in A.D. 1307, and after his return sent the original copy to Charles de Valois, son of Philippe le Hardi, King of France. Some manuscripts of the Imperial Library have been collated by M. Pauthier, one of which may be the original itself, and it is shown that the Italian text usually current, from which Marsden translated his edition, is an imperfect representation of the French, which is itself one of the most curious remains of the old and naïve language of France in the fourteenth century. The work will appear with every advantage of maps, geographical and historical commentaries, and remarkable confirmations of the credibility of the narrative, derived from Chinese sources by the learning of the editor.

—The most rising publishing firm in England at the present day is unquestionably that of Messrs. Macmillan & Company, of Cambridge and London. Their progress from obscurity to their present eminence is worth noting, because it is at once a consequence and a sign of the rapid growth of a party whose influence is daily increasing in theological and political questions. A few years since, the two brothers Macmillan were scarcely known beyond Cambridge, where they printed some of the mathematical text-books used in university tuition. The men since roughly classed together as representatives of the "Broad Church" party, and their friends and adherents in politics and literature, as Archdeacon Hare, Rev. T. D. Maurice, Charles Kingsley, Rev. J. Llewellyn Davies, Thomas Hughes, J. M. Ludlow, Archbishop Trench, etc., mostly members of the University of Cambridge, were then coming forward in various stages of development. They seem naturally to have selected publishers with whom they were familiar, and who have now become the accepted medium through whom their works are given to the world. With the number and increased circulation of their writings, Messrs. Macmillan's business enlarged, until they opened a first-class establishment in London, and even got a footing in the rival University of Oxford, by becoming agents for the publications of the University or Clarendon Press, taking the agency of it out of the hands of the High Church publishers, Messrs. Parker, with whom it had been an heirloom for a century or more. One of the brothers having died, the firm now consists of Mr. A. Macmillan and a literary gentleman with whom he has lately connected himself. Their list of forthcoming books includes more of pure literary interest than the announcements of any other house. Among those intended to appear during the autumn are: "Popular Epics of the Middle Ages of the Norse-German and Carlovingian Cycles," by John Malcolm Ludlow, 2 vols. post 8vo; Francis Turner Palgrave's "Essays on Art" and edition of Shakespeare's "Sonnets and Songs;" "Defence of Fundamental Truth, being a Review of the Philosophy of John Stuart Mill," by Dr. James M'Cosh, author of "Intuitions of the Mind," etc.; "Spiritual Philosophy, founded on the teachings of the late S. T. Coleridge," by the late Joseph Henry Green, F.R.S., edited, with a memoir of the author's life, by John

Simon, F.R.S.; the completion of Messrs. Aldis Wright and G. W. Clark's "Cambridge Shakespeare," the first attempt to exhibit critically the growth, formation, and grounds of Shakespeare's text; Miss Christina Rossetti's new volume, "The Prince's Progress and Other Poems;" "Popular Astronomy, a Series of Lectures," by G. B. Airy, Astronomer-Royal; the second volume of Donaldson's "Critical History of Christian Literature and Doctrine to the Nicene Council;" "The Bible Word-Book: a Glossary of Old English Bible Words," by J. Eastwood and W. A. Wright; Professor Huxley's "Lessons in Elementary Physiology;" and numerous further instalments of the popular "Golden Treasury" series, including "Milton's Works," by Professor Masson; "Cowper's Poems," by Rev. W. Benham; "The Song-Book, Words and Tunes from the Best Poets and Musicians," by John Hullah; Sir Thomas Brown's "Christian Morals, Urn Burial," etc., one volume; and "Robinson Crusoe," by J. W. Clark. A number of other books of nearly equal moment might be mentioned without exhausting the announcements of the firm.

—A movement is on foot in New York, under the auspices of the N. Y. Historical Society, for securing to this city the library and historical collections belonging to Peter Force, of Washington. To any one familiar with researches in the history of America it is unnecessary to explain who Mr. Force is or what he has done. His title to the gratitude of his countrymen is the conception and execution of the great collection, published by the authority of Congress, "American Archives—consisting of authentic records, state papers, debates and letters, and other notices of public affairs, the whole forming a documentary history of the origin and progress of the North American colonies, of the causes and accomplishment of the American Revolution, and of the Constitution of government for the United States to the final ratification thereof"—in fifteen volumes folio. To those unacquainted with the work, it may suffice to say that it will rank in future ages among the national literary monuments, such as Italy, France, and Germany owe to the learned labors of Muratori, Dom Bouquet, and Dr. Pertz—such as England has in vain spent millions to procure (through the various record commissioners, etc.) without yet finding the man competent to its achievement. In Mr. Force the historical sense was developed at an early period in the nation's life, almost before even educated minds could understand his objects. He first was struck with the importance of the *disiecta membra* of history then perishing around for lack of any attempts to preserve them, and set himself the task of collecting such a body of authentic historical materials—favored in some sense by the neglect of the time—as no care, trouble, or expense could now procure. It is difficult to give even an idea of Mr. Force's vast library. The choicest articles of bibliomaniacal pursuit, the early tracts, travels, and narratives connected with the discovery and settlement of America, "now cheaply purchased for their weight in gold," are abundantly represented in the collection; but, in addition, it contains, what is never found on the shelves of the *dilettante* book-buyer, the solid material from which history is evolved—laws, reports, surveys, maps, legislative documents, periodical literature, and newspapers (the largest collection in the country), etc., etc., the fitting furniture for a public library, where the enquirer might dig and dig without fear of exhausting the rich historical *placer*. Some idea of the money value of such a library may be formed from the fact that one hundred thousand dollars in gold has been offered for it as a money-making speculation. It is a library that, if once destroyed, could never be replaced; if once dispersed, could never be re-assembled together; and its preservation in its integrity by the means now offered should be assured by the co-operation of all who understand the importance of historic truth in its relations both to the past and the future.

—The Homeric question seems to be one that it is impossible to exhaust. To judge from the number of publications, translations, etc., bearing on its discussion, it may be called the chosen field of English scholarship. A new book is announced on the subject, that in the wideness of its scope reminds one of Mr. Gladstone's work. It is "Homer and the Iliad, in Three Parts. Part I., Homeric Dissertations; Part II., The Iliad, in English Verse; Part III., Commentary, philological and archeological," by John Stuart Blackie, Professor of Greek in the University of Edinburgh, 3 vols. 8vo, to appear in January next. Prof. Blackie is well known as a caustic speaker of a gladiatorial turn, an energetic writer, and a scholar whose translation of *Æschylus* testifies to his command of metrical expression. Whatever faults his book may have it will certainly not be commonplace. Messrs. Edmonston & Douglas, of Edinburgh, are the publishers.

—Messrs. Blackwood & Sons, of Edinburgh, have in press the literary remains of Professor Ferrier, of the University of St. Andrews, whose "Institutes of Metaphysics" ably continued the Scotch traditions of mental philosophy. It is entitled "Lectures on the Early Greek Philosophy, and other Philosophical Remains of the late J. P. Ferrier, Professor of Moral

Philosophy and Political Economy," edited by Sir Alexander Grant and E. L. Lushington. Professor Ferrier married a daughter of John Wilson, and edited the collected edition of his father-in-law's works. It is of his brother professor, Ayton, who stood in the same relation to "Christopher North," that a story is told relative to the successful issue of his courtship. He took opportunity of "declaring his intentions" one morning when North was in his study, accompanied by the young lady. As soon as he had finished his explanation, whose purport the reader may conceive, and was awaiting with some natural anxiety the result, Professor Wilson, saying nothing, took up one of the numerous presentation volumes lying around, and tearing out a fly-leaf, with the inscription "with the author's compliments," pinned it on his daughter's dress and handed her to young Ayton, without a word.

—One of the best general reviews of the whole circle of archaeological science is given by the new Cambridge professor of archaeology, Churchill Babington, in his introductory lecture, recently delivered before the university. Archaeology itself he first defines as "the science of teaching history by its monuments"—history, not in the limited sense of dynasties and governments, but including "everything that concerns the domestic, the social, as well as the religious, the commercial, and the political life of all nations and of all tribes in the ages that have passed away." This definition is followed by a rapid survey of the field of action now daily advancing to the view, "from the rude implements and weapons of primeval man; the colossal structures of civilized men in Egypt and India; the strangely compounded palace sculptures of Assyria and Babylon; the exquisitely ornamented columns of Persian halls; the massive architecture of Phoenicia; the Gothic-like rock tombs of Lycia; the lovely temples, the incomparable works of art of every kind, great and small, of Greece; the military impress of the Roman conquest; the mediæval works of art in ivory enamel, in glass painting, as well as its glorious architectural remains, connecting the Middle Ages with our own time." A list of books of authority on the subjects indicated adds to the value of the lecture, which promises favorably for the zeal and learning of the new professor. A capital practical example of the lessons that he teaches is now in progress in England, where antiquarians are now at work revelling in the examination of a Roman city, whose site has probably never been touched since its destruction by the Saxon invaders in the fifth century. Archaeologists have frequently cast a longing eye on the remains of the ancient Segontiacum or Silchester, in Hampshire, one of the largest Roman towns in Britain, with grass-grown walls nearly three miles in circuit. The site was, however, included in the estate of the Duke of Wellington, and the "Iron Duke" had no notion of his good old pasture land being broken up for such purposes. As long as he lived nothing could be done; but his son, the present duke, is more liberally inclined, and patronizes the explorations. A farm-house and a church are the only buildings within the walls, which include eighty acres, so that the whole area will be examined. The courses of the leading streets, etc., are ascertained, and excavations are laying bare the foundations of large public buildings. A faithful record of all "finds" is kept, and an account of the proceedings will be published by the rector of the parish. Such an opportunity for research is almost unique in Northern Europe, and enables the English antiquarians to boast of the "little Pompeii" at their own doors.

—The new volume of the "Bibliotheca Classica," directed by Professor George Long, will contain "Homer's Iliad," books 1-12, edited by F. W. Paley, M.A., whose editions of "Æschylus" and "Euripides" in the same series have met with general acceptance among scholars. "Plato," volume I., edited by W. H. Thompson, will follow; and the third volume of Prof. Conington's "Virgil," completing the "Æneid," and the second volume of "Demosthenes," by R. Wharton, head master of Rochester School. Eighteen volumes of the "Bibliotheca Classica" have already appeared, and have caused the undertaking to be regarded as one of the most creditable achievements of classical scholarship in England. The second volume of Professor Long's "Decline of the Roman Republic" is also promised by the same house, Messrs. Bell & Daldy. The work has been announced for republication by Messrs. Harpers. Professor Long passed some years in this country as classical teacher at one of the colleges in Virginia, and while here published a treatise on Greek and Roman geography that is still occasionally met with.

#### AGUIRRE'S PHYSIOGNOMY.\*

WE think that Señor Aguirre will scarcely create that impression upon the American public which so enthusiastic a philosopher must expect to produce by a book like this. There is not enough in the whole sys-

tem of physiognomy to compel the world's serious attention, and when the science is reduced to a study of men's characters from their eyes, the interest of mankind must be also greatly reduced.

Señor Aguirre has written a very funny book, of which we find it impossible to make fun; for it is not in the least mischievous, and it is the fruit of too much sincerity and conviction to be wantonly ridiculed. The author tells us that his life has been devoted to the development of what he earnestly believes a science calculated to benefit men; and there is visible in every line of his work a most profound persuasion that he has succeeded. Let us, then, receive his book with the respect due to the labors of an honest man, however misdirected and however absurd in effect. It comes to nothing, of course, and it tells nothing that every one did not know before concerning the revelation of character through the eyes. Señor Aguirre supposes that he has systematized the means of knowing men by the observation of their eyes, and refers, with an egotism quite lost in the intensity of his purpose, to the proofs which he imagines himself to have alleged in support of his theories. It must be confessed that he has misapplied reading and a great experience of life to lay the foundation of a structure which necessarily tumbles to pieces as soon as built. He lacks originality in his observation, and method in his madness. The old conventional ideas of character attached to the different kinds of eyes are his, and he tries to establish them in various amusing ways. A great part of his book, for example, is devoted to study of the eyes of the men and women of sacred and profane history, as he finds them depicted in works of art, where the portraits are almost invariably ideal. Behold Aspasia's character, as our author derives it from the contemplation of her eyes:

"The great genius of this woman is revealed in her intellect; the sublimity of her mind, in the mild, elevated expression of her eyes; and the firmness, dignity, and energy of her character, in her stern but beautiful eyebrows.

"With such precious mental endowments, what wonder that sublime woman shone as she did, and attracted Alcibiades, Pericles, and Socrates to her rhetorical conferences?

"Pericles, being struck with admiration for the talent of this woman, decided on making her his wife.

"Aspasia was famous as an oratress and politician, and her house was frequented by all the philosophers of Athens.

"Eyes large and open to the full extent; contour and lines of the eyes splendid; brows high and of a severe cast; all of which traits indicate the greatness of the woman whose immortal name occupies a bright page in history."

Then, also, we have the character of the Psalmist:

"The physiognomy of this great king, and prophet, and sublime lyrical poet differs widely in all the portraits in which we have been able to study it: in some, the artists gave way to an exaggerated inspiration; others reveal a want of fire.

"Notwithstanding these faults, in themselves of so grave a nature, the delicate lines and contour have not passed undelineated in the beautiful eyes of the inspired and immortal author of the Psalms, which have been translated into all the known languages, and have engaged the pens of a Marot, a Malherbe, a Bacon, and a J. B. Rousseau."

Concerning "Lucretia, born in Rome, and died B.C. 509," we learn:

"There is in the eyes of this woman an expression of modesty and resignation which, united with her long, depressed eyebrows and chaste and serene forehead, plainly attests the truth of her tragic end.

"Having been dishonored by Sextus Tarquinius, and deeming death to be the only consoler for her lost purity, she caught up a dagger, and with it terminated her existence; for she could not conceive life without honor to be possible.

"In the midst of her delirium, and before she struck the fatal blow, the chaste Lucretia demanded to be avenged of the crime committed against her virtue.

"It is important to remark that she made avowal of the outrage to her husband and her father; and then took away her own life, so to carry with her to the tomb the beautiful name of chaste.

"The high qualities of Lucretia have been celebrated by Shakespeare, and furnished Arnault and Ponsard materials for successful tragedies."

And so on, through the catalogue of celebrities down to Orsini, the assassin. Even the Saviour is not omitted from the list of those studies, completing which the author turns to contemplate character in the eyes of the lower animals. Here he is not less amusing than elsewhere, nor less mistaken. He says of the squirrel:

"Eyes soft, quick, gay, sparkling, lively, and playful. The animal is docile, extremely susceptible of domestication, and without aggressive tendencies."

This may be all true of the squirrel's eyes, but it is all false of its character; it is often caged, but almost never tamed; so far from being without "aggressive tendencies," it is known to bite abominably on every opportunity.

\* "New System of Physiognomy; or, The Art of Knowing Men by their Eyes. By M. Aguirre de Venero." New York: John F. Trow, printer. 1865.

The observer of eyes is sometimes deceived, as Señor Aguirre consents, and he relates a case in point:

"In order to avoid disagreeable mistakes, it is well to bear in mind the rapid advances made in certain arts in our days; by this means observers will be saved from such ridiculous blunders as that which I once made in the physiognomonic examination of a particular lady from her portrait. I had, however, the good fortune to attribute to the fair one the very good qualities she lacked, and so gained her good-will by flattering her self-esteem."

"But that circumstance did not lessen in any wise the gravity of my error. As soon as I saw the lady, I observed that I had studiously examined two eyes, whilst in reality she had but one, for the second one was of porcelain. I carefully examined her graceful eyebrows, little thinking they were due to the hand of art and the painter's brush."

"I also took into consideration her complexion, which had been freshened by the artist's carmine."

"And it never struck me that, at her age, her pearly teeth might well be artificial, which proved to be the case."

"In fine, I formed a judgment altogether ideal, in which not a single point was correct; and when I beheld before me the bitter reality, the original turned out to be an old woman with one sparkling, avid eye, like that of a hungry cat."

"I am not ashamed to confess the deception, for it taught me for the future that, especially in portraits, strict attention must be paid to everything that can be possibly false or artificial."

It is good in an age so much shaken with doubt to find a man of Señor Aguirre's firm convictions, and we regret that we cannot pin our faith to them.

#### THE NEW YORK CIVIL CODE.\*

THE Constitutional Convention of this State provided, in 1846, for the appointment by the Legislature of Commissioners whose duty it should be "to reduce into a written and systematic code the whole body of the law of this State, or so much and such parts thereof as to the said Commissioners should seem practicable and expedient"—and also Commissioners to frame a code of procedure. Both commissions were duly appointed in the following year. The Practice Commission reported the Code of Civil Procedure in February, 1848, as subsequently enacted, and the Code of Criminal Procedure in January of the following year.

The Code Commission, after various changes in the persons composing it, was abolished in April, 1850. It was revived in 1857, by an act appointing Messrs. D. D. Field, William Curtis Noyes, and Alexander W. Bradford Commissioners, to continue in office five years and prepare codes of all law not considered by the Practice Commission. Their term of office was subsequently extended to April, 1863. The results of the labors of the two Commissions are now contained in six volumes: the Code of Civil Procedure (including the law of evidence), the Book of Forms, the Code of Criminal Procedure, the Political Code, the Penal Code, and the Civil Code. The Code of Civil Procedure has been long in use; the Civil and Penal Codes have been reported complete to the Legislature, and await its action.

In an "Introduction" to the Civil Code, the Commissioners briefly discuss the various objections usually made to all attempts at codification, particularly in States under the English common law; such as its impossibility, or its inexpediency—including under this head the difficulty of providing for all future cases, the uncertainty of a code, owing to its necessary conciseness, and its inflexibility. We regret that we have not space to quote entire their able examination of these various points, brief as it is, and as, in a document of this nature, it has to be. The advantages of a codification of the law they sum up as follows:

"Assuming that it is possible to have a body of written law in a convenient form, and in scientific order, containing the materials and framed in the manner already described, what benefits will it confer? In the first place, it will enable the lawyer to dispense with a great number of the books which now encumber the shelves of his library. In the next place, it will thus save a vast amount of labor, now forced upon lawyers and judges, in searching through the reports, examining and collecting cases, and drawing inferences from the decisions, and so far facilitate the despatch of business in the courts. In the third place, it will afford an opportunity for settling, by legislative enactment, many disputed questions, which the courts have never been able to settle. In the fourth place, it will enable the Legislature to effect reforms in different branches of the law, which can only be effected by simultaneous and comprehensive legislation. Thus, for example, the closer assimilation of the law of real and personal property, and the changes in the relation of husband and wife, as to property, cannot be effected by any other means so wisely and safely as by a General Code. The making of a code involves a general revision of the law. It is, indeed, in this way alone that such a revision seems practicable. The occasion is thereby afforded to look at the law of the land, as a whole; to lop off its excrescences, reconcile its contradictions, and make it uniform and har-

nious. In the fifth place, the publication of a code will diffuse among the people a more general and accurate knowledge of their rights and duties than can be obtained in any other manner. This is an object of great importance in all countries, but more especially in ours. If every person can have before him, in an authentic form, the laws which are to affect his property, and govern his conduct, he can have an additional guaranty of his rights, and a better acquaintance with his duties. Here, more than anywhere else, all classes of citizens interfere in all the affairs of the state. They elect, directly, nearly all the officers who make, administer, or execute the laws. If in Holland, or in Germany, or France, a Civil Code has been found beneficial, much more is it likely to be beneficial to us."

It is, of course, useless for us to attempt, within the limits at our disposal, to discuss the merits of the codes. There are few men living who are competent to pass judgment of any value on such a work either in this country or any other; none, perhaps, nearly so competent as the Commissioners themselves, and their opinion of the result of their labors is expressed in their report to the Legislature last spring, but in terms too modest to afford the public much aid in forming a judgment upon the extent of its obligations to them:

"The Commissioners will not presume to think that in the preparation of the codes they have foreseen all the cases which can arise in the multifarious affairs of men, or that they have even collected all the general rules which have been announced from the bench in the past history of our law. Some may have been overlooked, some may have been omitted from a mistaken belief that they were obsolete or inapplicable to our present condition, or were contrary to other rules of greater importance that ought to be retained."

"All that the Commissioners profess is, that they have endeavored to collect those general rules known to our law which are applicable to our present circumstances, and ought to be continued. They trust that they have arranged these rules in a manner which will be approved by the scientific student, while it will help the lawyer and the citizen to an easier if not a better knowledge of the law. And they flatter themselves that for the unforeseen cases which are certain to arise there are general principles, rules of interpretation, and analogies which will serve as guides for judicial decision."

The degree of success which has attended the labors of the Commissioners can, of course, only be fully known when the codes have been for some time in actual operation. There are few persons—we may say there are none, either here or in England—who have devoted enough attention to the science of legislation to make their opinion about a code, framed for the use of either country, of very much value. So that the Commissioners are condemned by the very nature of their labors to await the result of actual experiment before they can receive their reward. The very first qualification which anybody who presumes to criticize the codes must possess is an intimate acquaintance—if we may use the expression—with the chaos of common and statute law, out of which they have sought to educe order. This the general public does not and cannot possess. The lawyers who do possess it are, as a body, notoriously disqualified by the nature of their training, and the habits of mind which it induces, to pass judgment upon any attempt at codification. This defect is peculiarly marked in countries governed, as the United States and England are, by judge-made, or, as Bentham called it, "dog-law." Where precedents are made the subject of a life-long worship, any attempt to use principles to cover cases not actually arisen, gets to be looked on by the profession as little short of either folly or sacrilege. There are few men who have passed many years in the practice of the common law who are not overwhelmed by the difficulty of making themselves even imperfectly acquainted with it, so vast and various are the sources from which it is drawn. The decision of every judge is an authority; hundreds of judges have been deciding under it for a thousand years; almost every case that comes up, of course, differs more or less from all others, and the law which governs it has to be extracted from a great many hundreds of volumes of reports, by the aid of what Paley called "the competition of opposing analogies." These are pressed on one side or the other by counsel, as far as they can discover or think of them; the judge endeavors as best he can to extract a rule out of them to cover the case before him. If he has much difficulty in doing so, he bends the rule to meet the case by a "forced construction," or else he takes the case from under the rule by a "distinction." In any event, there results complete uncertainty as to what the law is. The decision when once made is theoretically binding in all subsequent cases presenting ever so little analogy. But, in reality, it is nothing of the kind, for reasons of which Bentham made an amusing list in his "Letter to the Citizens of the United States"—such as doubts as to the accuracy of the report, as to the fulness with which the facts were before the court, as to the degree of attention bestowed on the case by the bench and bar, as to the ability of the counsel who argued it, or as to the probity or learning of the judges who decided it, or as to the existence or non-existence of some other report of a case, published or unpublished, overruling their decision. The glorious uncertainty thus produced

\* "The Civil Code of the State of New York. Reported complete by the Commissioners of the Code." Albany: Weed, Parsons & Co. 1865.

has been expressed in a saying very common at the English bar, that "in nearly every case which has been seriously debated under the common law, the judge might, without any damage to his reputation either for honesty or learning, have pronounced a decision directly opposed to the one he actually rendered." And Lord Loughborough used to say "that no cause ought ever to be abandoned as desperate." If all this be true, it would be difficult to conceive of anything more alarming. It can be readily understood that men who have passed the best years of their lives in groping their way through this dark and tangled brake are apt not only to lose all taste and all capacity for scientific legislation, but to doubt the possibility of anything of the kind. The lawyer who really loves the law, and practices it successfully either in England or America, without ceasing to love and cultivate the philosophy of law, is a rare phenomenon, and may set himself down as one of what the French call *dames d'élite*.

Codification has been talked of in England for centuries, but neither the profession nor the Government have yet had the courage to face the task. Denmark, Sweden, Austria, Prussia, France, and Sardinia have long had codes, and yet there is not in existence in any country in the world such a store of materials for such a work as is to be found in the English and American reports. Bacon proposed, in a memoir addressed to James I, the consolidation and revision of the statutes; but nothing came of it. Cromwell made some attempts in the same direction—proposing to try the experiment in Ireland as on a *corpus vile*; but "the sons of Zerviah" (the lawyers), to use his own expression, "were too strong for him." In 1666, after the Restoration, a commission composed of the most distinguished lawyers of the day was appointed by the House of Commons for the same purpose, but it was dissolved after a few meetings and accomplished nothing. In 1796, a hundred and thirty years later, another commission was appointed and reported favorably, but here the matter ended. In 1825-6, Sir Robert (then Mr.) Peel inaugurated a reform by the consolidation of the statutes on theft, but it was only an experiment, and, despite the labors of Romilly and Mackintosh, the work went no further.

We have had a revision and consolidation of the statutes for some time in this and other States of the Union, but New York may claim the credit of having been the first to enter upon the work of codifying the common law. We have even reason to believe that the codes now before the public will stimulate the other States and England to enter upon the same task—first, by proving its practicability, and next, as we hope and believe, by proving its successful performance to be one of the greatest blessings that could be conferred upon the community. It would be hard to think of any one measure likely to do so much for security, industry, order, and mental and material progress as the infusion into legislation of the latest results of modern thought, and the adaptation of the whole body of the law to the popular comprehension. The work of the New York Commission has necessarily been one of immense difficulty. Not only has the field which they have had to traverse been of enormous extent, but they have been pioneers in a veritable wilderness. Mr. Field has been engaged in the work for eighteen years; all have had to devote to it every moment of the precious leisure snatched from arduous professional pursuits. Mr. Noyes fell by the wayside before he could witness the completion of the undertaking. The public may heartily congratulate his two colleagues upon the successful close of what, however it may answer the purpose for which it was intended, must always be regarded as one of the greatest enterprises of the century—"longe finis, chartæque, biæque."

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*Speeches of Andrew Johnson.* With a biographical introduction by Frank Moore. (Little, Brown & Co., New York.)—There is little to be said of the early life of our Chief Magistrate, except that it was spent in the three contiguous states of North and South Carolina and Tennessee, and received no other expansion outside of this limited area than was afforded at a slave-cursed capital in the days of Southern dominion. If Mr. Johnson had settled finally, like Mr. Lincoln, in a free State, it cannot be doubted that his strength would have been mortgaged to the service of freedom long before that service became synonymous with loyalty. He labored successfully for the adoption of the new constitution of Tennessee, in 1834, by which the free people of color were excluded from the polls, though they had voted hitherto. In Congress "he opposed the Smithsonian Institute, on the ground that it would be a burden on the public treasury, without commensurate good results;" opposed all appropriations to the District of Columbia, all increase in the salaries of Government officials; opposed the purchase of Madison's papers and Washington's Farewell Address. He supported the Mexican war both as right and as national, favored the admission of California and the protection of slavery. In 1844 he declared against the right to petition Congress on the subject of slavery. Up to Sumter time he was solicitous that slavery should not be harmed. The hatred of aristocracy, therefore, which his biographer represents as having animated and determined his political career, proceeded, it is plain, from no adequate appreciation of the cause of the social inequalities

at the South, but rather from a galling sense of the inferiority of caste into which he had been born. He was not ashamed, when his means permitted, to rise to the grade of slaveholder, which had been at once the source of his own repression and the object of his tenacious warfare. He is not capable, even now, of relentlessly destroying what he lately called a "corrupt and damnable aristocracy," though he has the added motive which comes of their conspiracy against the national integrity; and in place of his senatorial avowal on March 2, 1861, that if he were President (as he is), he would have the leading traitors arrested (as he has had, to some extent) and tried for their treason (as he has not had them), and make them, if convicted (as they would surely be), "suffer the penalty of the law at the hands of the executioner"—in place of such an announcement, we now hear that the exclusions from his amnesty were merely nominal, designed to force the guilty parties to "sue for pardon, and so realize the enormity of the crime they had committed!" Against the insidious flattery of the humbled but not converted aristocrats of the South, Mr. Johnson exhibits no traces of former conflict with them, nor an inbred antipathy for them, nor even a warning instinct. How much, therefore, his biographer has mistaken his character, or he has mistaken himself, or has been altered by his sudden elevation, it may be difficult to decide; but error or change their seems to be, even when due allowance is made for the present restraints of office. Mr. Moore's volume is chiefly valuable for the half-dozen speeches which it contains. They are straightforward and sensible in style, often exalted in sentiment, but lacking in terseness. Their faults are probably concealed in delivery by earnestness of manner, but on ordinary occasions the orator would seem to be in danger of fatiguing his audience.

*The Children in the Wood.* Told in verse, by Richard Henry Stoddard Illustrated by H. L. Stephens. (Hurd & Houghton).—The success of Mr Stoddard's "Little Red Riding-Hood," last year, has encouraged a second venture in the same direction. Ninety-seven cantos compose the present pathetic—we were going to say ballad, but we fear must leave it unsaid. The author has produced a cross between an elevated poem and a juvenile ballad, which a grown person will find marred with simplicity, and a child with obscurity. Much of the amplification is devoted to a description of Yarmouth, where the cruel uncle dwelt, "in no manorial hall," but "in a plain and homely house," with "pollard willows set in front." The neglect of their relative leads the babes to wander among the taverns of the fishing town, and to meet "bold fellows" "whose faces bore the brand of Southern suns," which came of manning English guns against Spanish forts, but whose instruction in ornithology was not to be despised:

"One held a parrot on his wrist,  
He brought from far Brazil;  
It pecked his hand. Said little Jane,  
'It has an ugly bill!'"

Another set a bad example to the little ones by crying ("it was the captain spoke") "Ho! Margery, wench, fill every can!" and drinking a health to Vice-Admiral Francis Drake. The retribution which overtook the unnatural brother is so overwhelmingly condensed in the last two cantos, that the catastrophe seems docked to suit the printer's requirements. Hence we have this appalling summary:

"How fared it with the uncle, pray,  
Who thus his trust betrayed?  
His barns were fired, his goods consumed,  
His lands more barren made.  
His friends became his enemies,  
Or passed him coldly by;  
And in a voyage to Portugal  
One of his sons did die.  
  
"With tottering steps and thin gray hair,  
And features ghastly pale,  
He walked the world, a ruined man,  
Till he was thrown in jail;  
Where soon he died, and awfully,  
For near his pallet stood  
The phantoms of two children fair—  
The Children in the Wood!"

The pictures are a more successful attempt than the verses, and make up in color for what they lack in drawing. One of them reminds us rather forcibly of a popular engraving to which Mr. Stephens would lay no claim.

*Life of Abraham Lincoln.* By Joseph H. Barrett, Commissioner of Pensions. (Moore, Wilstach & Baldwin, Cincinnati).—This work comprises three periods of composition—June, 1860, May, 1864, and July, 1865. The first two portions, it is obvious, were prepared in view of the Presidential elections which followed in the fall of '60 and '64, and the last was necessary to round out the biography. In this large but not clumsy volume of nearly 850 pages is contained a continuous sketch of the entire career of Mr. Lincoln, from his birth to the end of his immortal service. The compiler, in condensing so much of his subject's history as antedates his election to the Presidency, has preserved sufficiently the marks of that strong character which could never conceal itself. A few of the speeches in his memorable controversy with Douglas thus answer for the whole, though, except for considerations of space, the omission were to be regretted. The administration is copiously portrayed in its civil and military aspects, and here will be found almost every production of the President's voice or pen that would be valuable for reference, or would complete our appreciation of his action and temper during the four most oppressive years of office that were ever experienced by any human magistrate. The assassination is briefly narrated, and the book concludes with various selected tributes to the character of the deceased, and the compiler's own summary. While there are no serious faults in this "Life," we are not persuaded that it possesses extraordinary merits, as the publishers' circular pretends. It may be something that "Mr. Lincoln himself furnished for it all the material facts of his early life," but we have failed to discover what other advantages Mr. Barrett derived from "official relations" and "personal intimacy" with him. Certainly there have been more

striking delineations of Mr. Lincoln's private habits, more elevated judgments of his nature and rank in the scale of greatness, than Mr. Barrett originated or appropriates. Witness the *naïveté* of his description of Mr. Lincoln's integrity as postmaster of New Salem:

"He discharged his duties well; and instead of even temporarily using any of the public money to supply his then pressing wants, he carefully laid up whatever belonged to the Government, from day to day, and at the final settlement he had a bag of coin, containing the proper amount, ready to be paid over" (p. 36).

In another place (p. 63) "the earlier struggles of Mr. Lincoln in acquiring his profession, the character of his forensic efforts, and the generous gratitude and disinterestedness of his nature" are illustrated by "the following incident, of which the narration is believed to be substantially accurate, from the pen of one who professes to write from personal knowledge." (The *italics* are ours.) But such "hedging" is not frequent with Mr. Barrett. As for the wood engravings, they are of little consequence, though the best seem trustworthy, as if from photographs. The print is good, and the price of the book moderate.

*Golden-haired Gertrude.* A story for children. By Theodore Tilton. (Tibbals & Whiting, New York.)—Mr. Tilton has an enviable reputation, outside of the lyceum, of being an excellent talker to children. We say enviable, because the power to interest the young by oral addresses is a very rare attribute of adult minds, which are apt now to underestimate and now to presume too much upon the intelligence of their hearers. To hit the golden mean—to cast aside the dignity of superior years and experience, and be born again, as it were, into the very thoughts, feelings, and desires of the age before you—requires either considerable mental effort or the liberal possession of what the phrenologists call "human nature." Mr. Tilton has shown beyond question that the process is altogether natural for him. He is gifted, too, in an eminent degree with the poetic, otherwise called the imaginative or constructive, faculty. Lastly, he is himself a father; and it is safe to infer that the pretty tale of *Gertrude* was rehearsed at home before its publication was even dreamed of, and that the sense of the nursery was taken before its publication was consented to. We are inclined to approve the finding of such a court. The story is fresh, picturesque, and real-seeming, without a villain or bloody business of any kind, without a fairy, or a goblin, or a miracle, or sorcery, and with no greater improbability than that a king (no matter who or where) selects his queen from an humble station. No greater improbability than Henry VIII. was guilty of, in Wolsey's estimation, when he took to wife Anne Bullen, "the late queen's gentlewoman; a knight's daughter, to be her mistress's mistress! the queen's queen!" Marked and praiseworthy care has been bestowed on the apparel and illustrations of this little book.

*The Abolition of Slavery in Cuba and Porto Rico.* By several Cuban and Porto Rican Abolitionists. (William C. Bryant & Co., New York.)—The object of this pamphlet is to expose the true character of those provincials whose appeals to the mother country in behalf of emancipation are industriously circulated here, but who are well represented by the "many Cuban planters," owning an aggregate of one hundred thousand slaves, who, we were recently told, had "signed a petition to the Cabinet at Madrid, requesting the abolition of slavery on the condition that the negroes must work for four dollars a month for ten years, and that afterwards they shall be for ever free." Against this and all other similar schemes our authors lift up an earnest high-toned protest, asserting that the real aims of the pseudo-abolitionists is to secure the interests of the slaveholders by riveting the colonies more firmly than ever to the metropolis, and so walling out the spirit of democracy, which, on the other side of the Gulf Stream, has redeemed a continent from chains. The arguments employed in the Antilles against immediate emancipation are identical with those in which the South abounded. They are met in this pamphlet with ingenuity and ability, and even with considerable freshness. Every position assumed in the text is fully supported by statistics in the appendix, which are all instructive and some even startling. What need, for example, of a commentary on this single line, to which we must confine our quotations?—"There are in Cuba 34,046 Chinese, out of which only 24 are females."

*The Works of the Right Honorable Edmund Burke.* Revised Edition. Vol. II. (Little, Brown & Co., Boston.)—The present volume contains, among other speeches, one on American taxation, delivered in 1774, at a date made memorable the subsequent year—the nineteenth of April; and one on moving resolutions for conciliation with America just a month before conciliation was rendered hopeless at Lexington. Also a letter to the sheriffs of Bristol on the affairs of America, in which, to meet the accusation of those who charged the opponents of violent measures towards America with encouraging rebellion, the orator declared that "general rebellions and revolts of an whole people never were encouraged, now or at any time. They are always provoked." Such may have been, as he pretended, the lesson of "the whole course of history" down to his time. To-day we could point him to a general revolt of a whole people which was void of all just provocation, and which was encouraged, not only unwittingly, but with the clearest foreknowledge of consequences. Such is the charge of history against the Democratic party at the North and its leaders, especially Franklin Pierce, both in and out of office.

*The Magazines for November* which we have thus far examined are:

*Hours at Home.*—The poem called "Grandfather's Pet" is the best thing in the magazine, and narrowly escapes unqualified praise; it is certainly to be liked for an unsolicited pathos of feeling, and a naturalness and simplicity of expression. The first stanza may be instanced:

"This is the room where she slept,  
Only a year ago—  
Quiet and carefully swept,  
Blinds and curtains like snow;

There, by the bed in the dusky gloom,  
She would kneel with her tiny clasped hands and pray!  
Here is the little white rose of a room—  
With the fragrance fled away!"

The conceit is pretty, but not fine enough to be used three times. Mr. Tuckerman's essay on Matthew Arnold, in the paper on "English Criticism," though good, does not add much to the current thought concerning that writer; nor has the author of "Female Education, as it is and as it should be," apparently much to say on the subject, though he does say a great deal. It is rather odd and rather sad that any one should think it necessary to write and print, at this day, sentiments like these: "The *imagination* must be cultivated. It is a noble faculty. Bonaparte said that imagination rules the world. The sense of beauty resides there." How the imagination of woman is to be cultivated, Mr. Spalding does not say, but probably by "drawing her faculties out of her," a process recommended in "Barnaby Rudge," by Old Willet, who was, no less than Bonaparte, a friend of the imagination. The brief essay on Machiavelli, by Dr. Spencer, is vehement but not forcible, and is written in evident ignorance of the fact that the best Italian criticism of our day tends to show that Machiavelli had no purpose to serve king-craft, but rather to reveal to the people the perversions of which any but republican governments were susceptible.

*The Atlantic Monthly* presents, on a higher plane, the equality and flatness of surface observable in *Hours at Home*. "Why Putkammer Castle was Destroyed" was because there was no other way of getting the ghosts out of it, though why the author should have been at the trouble to tell us this is not so clear. "The Rhyme of the Master's Mate" has the ambition to be poetry which was said to animate claret with regard to port: "A poor, thin wine, which would be port if it could." The poet requires seven pages to tell, in the person of the master's mate, the story of the battle of Fort Henry, and his art is to inform the rugged language of the personality assumed with poetic feeling: a splendid triumph, if achieved; a pitiable defeat, if, as in this case, success is wanting. Yet the poet's theory was just; there is fine poetry in the sentiment with which great events inspire certain rude natures, and when this sentiment is suffered to find vernacular expression, it has singular sublimity, and the poet has created an heroic image of our common life. It is possible that this is the rhyme of the master's mate, as he would have written it; but we suppose the editor of the *Atlantic* would hardly have printed the verses (which have nothing but their vernacular to commend them), if they had come to him in the mate's hand-writing, and not in Mr. Brownell's. "The Visible and Invisible in Libraries" is a paper of pleasant enough gossip, without much news in it, about quaint books and their abiding-places. "A Letter to a Young House-keeper" tells that gentle spoiler of provisions how to cook certain dishes, and malignly counsels her to cheat her husband out of drinking coffee by giving him, gradually, weakened chicory. The letter also informs us that its author generally gives two hours a-day to beating a bowl-full of cream into butter enough for supper, which shakes our faith in her wisdom. "The Peace Autumn" is the poem which you would naturally expect to find about this place in the *Atlantic*. We are not reading "Dr. Johns." "Rodolpho Töpffer" is a pleasant sketch of the life of a Swiss caricaturist, concerning whom many acquainted with his works will care to know something. Mrs. Stowe's paper for the "Chimney-corner" is wise and witty as usual, and touches a point which interests rich and poor women alike in a just argument against the foolish prejudice American girls feel toward taking domestic service. Many suffer from this prejudice, both among those whom it keeps out of pleasant homes, and those who would be glad to offer them in return for intelligent service. The writer of "Jeremy Bentham," in speaking a great deal of himself, incidentally tells much that it is pleasant to know of Bentham. "The Forge" is a story of no great promise. Mr. White's "Shakespeare" is reviewed in a friendly spirit. The remaining articles are: "A Farewell to Agassiz," "The Progress of the Electric Telegraph," "The Field of Gettysburg," and "Alexander Hamilton."

*Harper's Magazine* opens with a pretty-well-written account of an "Ascent of Popocatapetl," in which the author has the advantage of going over a but little beaten line of travel in days when travel penetrates to every sea and summit. "The Monks of Basle" is a poem of some promise in the opening lines, but at last of slight performance. Who would have thought, but for this poet, that the beautiful old legend of the ascetic monks who walked out disputing into the fields and fled from the sweetness of a bird's song, as from a snare of the devil, meant only that

"he who Nature scorns and mocks  
By Nature is mocked and scorned?"

Let it console the poet that his verses, after all, are not worse than others in the number. Mr. J. Ross Browne continues his sketches of life and travel in the Pacific country, and we are too grateful to him for past pleasure to say with how poor effect. But one of these ages the public will be tired of so much Browne to the acre, and will not be so good-natured as we are. "Anna Maria Ross" is an interesting history of the life of one of those good women who died as heroically in the care of the sick and hurt in our late war as any man who fell on the battle-field. Mrs. Stoddard's story of "The Chimneys" is full of fidelity to some phases of New England life, which she depicts perhaps better than any other writer; it is disgraced by none of her excesses of intensity, and is admirable in many ways without at all tending, in the plot, to shake our faith in Solomon on novelty. "Pozzuoli and Vesuvius" is another sketch of travel, and it is done in a sprightly way; but why so much about the author and so very, very little about Pozzuoli and Vesuvius? All things considered, Mr. M. D. Conway's article on "The Great Westminster Canvass," in which the scenes of the late elections for the English Parliament are portrayed, is the best thing in *Harper* for November. We have all been too much interested in the return of Mr. Mill and the other radicals not to care to learn something of the manner in which their political campaign was carried on, and Mr. Conway had the opportunity to know all of this, and has the art to tell it very entertainingly.

## BOOKS RECEIVED.

HOME HEROES, SAINTS, AND MARTYRS. By T. S. Arthur. J. B. Lippincott & Co., Philadelphia.

THE LOVER'S TRIALS. By Mrs. Mary A. Dennison. T. B. Peterson & Bros., Philadelphia.

HANDBOOK OF THE STEAM-ENGINE. By John Bourne, C.E. D. Appleton & Co., New York.

OUR NATIONAL FINANCES. No. 10. By a Patriot. Baker & Godwin, New York.

THE CHILDREN IN THE WOOD. Told in Verse by Richard Henry Stoddard. Illustrated by H. L. Stephens. Hurd and Houghton, New York.

LINCOLNIANA. In Memoriam. William V. Spencer, Boston.

AUBORA FLOYD. By M. E. Braddon.—REBEL BRAG AND BRITISH BLUSTER. By Owl-Glass. American News Company, New York.

WALT WHITMAN'S DRUM TAPS. New York.

## Fine Arts.

## MUSIC.

## IL CRISPINO E LA COMARE.

THE first opera season of Mr. Maretzki culminated last week in the representation of a new comic opera, new to us, but which has delighted Italy for a quarter of a century, written by the brothers Ricci.

Luigi and Frederico Ricci were born at Naples, in 1808 and 1809 respectively, and early showed musical genius. They were educated at the Royal College of Music, where they enjoyed the instructions of the famous Zingarelli in composition as well as of Sigismondi. In 1828 Luigi wrote for the school-theatre his first opera, "L'Impresario in Angustie," and in the same year for the Teatro Valle, at Rome, "L'Orfanella di Ginevra," which obtained a brilliant success. The two brothers then wrote together with varying fortune. Continued failures induced them to separate their work; Luigi wrote "Chiara di Rosembergh," which failed at Paris at the carnival in 1833, though it succeeded everywhere else. Frederico composed "Rolla," "Corrado d'Altramurra," "Le Prigione d'Edinburgo," which was for a long time very popular in Italy, and "Un' Avventura di Scaramuccia," a broad comic opera which has always and everywhere met with success. He directed music at Madrid and Lisbon, was poor, wrote for his bread, could scarcely make both ends meet, but was finally invited to Russia, in 1851, by Field-Marshal Paskevitch. He wrote to a friend that "fortune for the first time smiled on him." When he started on his journey he repeated an air from his opera of "Rolla," "a nameless stone shall cover my grave," and smilingly said it would be his own fault if it did—a prediction soon realized, for after a short success in Russia he died of apoplexy in the post-carriage between Warsaw and St. Petersburg. Luigi survived him, and became the director of the opera at Trieste, but was seized with insanity and died in December, 1859, in the mad-house at Prague. "Il Crispino e la Comare" was one of the joint products of the two brothers. Played for a long time in Italy, it was brought out successfully in Paris last winter, and is now being represented there at the Théâtre des Italiens. It is founded on the old story of a fairy who makes of a poor man a rich doctor, and which was a theme often handled by the marionettes and by the comic theatres of Italy. The old German version of the story can be found in Grimm's "Tales." The writer of the libretto, Francesco-Maria Pfave, had little to do but to put this old story in verse, adding a little under-plot, which is mostly cut out in the version presented here.

*Crispino Tacchetto* (Rovere) is a poor cobbler who is pursued by his creditors, and by the suitors of his pretty wife, *Annetta* (Miss Kellogg), and who finally resolves upon drowning himself. A fairy (Miss Fischer) rescues him in time and promises him life and wealth, and that she will make him a great doctor. His medical theory is to be very simple: if the fairy does not appear, the patient will get well; if she makes her appearance, the sick man will surely die. *Crispino* comes home and puts up a sign as a doctor, and actually cures a man given up by the other doctors. This brings him into conflict with two leading physicians, *Mirabolano* (Bellini) and *Fabbrizio* (Marras), and gives rise to a very comic passage. Prosperity is too much for him, and he becomes haughty and miserly. He ill-treats his wife, who is innocently entertaining some guests with a banquet and a song, and even threatens the fairy. In punishment for this he is carried by the fairy through the floor into her subterranean abode, and there sees himself near death. The room is suddenly illuminated with lamps which mean so many lives. He sees that his wife's lamp has more oil than his, and proposes to pour some out into his own. The fairy prevents him, and shows him in a mirror his wife and children praying for his safety. She then accepts his repentance and restores him to earth, where he awakes in his own house as if from a dream. Such a story does not present opportunities for

very great music, but this is light and pleasing as a whole. It has a certain old-time flavor about it, and makes one think of Paisiello and Cimarosa. The school in which the composers studied did not recognize the existence of Rossini, or of the loud and full style of instrumentation. The orchestration is confined principally to the stringed instruments, with the wind instruments in small proportion, and in accordance with the musical laws then received and implicitly obeyed by such men as Sigismondi.

The opera can hardly be compared to "Il Barbiere di Siviglia," and even falls much short of Donizetti's comic operas. The airs are not infrequent; though pleasing, they are of very moderate merit, and have nothing fresh or piquant about them. The accompaniment is nervous, and seldom rises above a mere support to the voice; sometimes, as is allowable in comic opera, it is altogether wanting, and the recitative degenerates into talking. The play begins at once, without an overture. The first thing that is noticeable is a romanza for the tenor in common time. This is to us the most pleasing piece of the whole opera, and we very much regretted that it came too early in the opera to be particularly attended to, and that Irre was not able to make himself heard in it. It is a pathetic air, and admits of much expression. The modulation of the accompaniment in the first and third bars is very good. Next is a canzonet sung by Miss Kellogg with a very good appreciation of its meaning and of the part. A concerted piece follows of slight merit. There is a recitative and aria by *Fabbrizio*, which has one pleasing passage, commencing

"State pur vedove,—state zitelle,  
E bruite e belle—volete amor."

The scene between the fairy and *Crispino* is musically almost null. There are three or four lines sung by the fairy that have a certain solemn beauty, but the rest is a very hurried and very comic recitative. More ought to have been made of the part of the fairy; there are abundant opportunities for some weird, slow music suitable to a supernatural being, and it would have been a fine contrast to the rest of the work. The act closes with a duet between *Annetta* and *Crispino* in a quick dance measure. This was so well sung and acted as to be *encored* and applauded, though in itself not deserving it. The second act has an air in six-eight time for soprano, "Io non sono più l'Annetta," which is light and lively, and a duet, followed by a sextet which is quite well managed. The trio in the third act between *Mirabolano*, *Fabbrizio*, and *Crispino* makes a better point than anything else. It was well sung and very well acted. Then follows an aria, "Piero mio, go qua una fritola," which, with its Venetian dialect and its piquancy, is very well suited to the character of the rich but vulgar *Annetta*. It deserved more attention and applause than it obtained, though we think a little more expression might have been put into it by Miss Kellogg. The remainder of the opera has nothing of much value, save a beautiful but very short prayer, and a sparkling and pretty waltz, "Non ha gioja in tal momento." We think we have noticed all the movements of any importance. The tenor air in the first act, the trio in the third, and the "fritola" song, are the pieces that will please the most and longest, and that have the most in them.

At the performances last week the singing was, with the exception of Irre and Fischer, all good, and sometimes excellent. The acting was especially good. Miss Kellogg has created the character of *Annetta*, and has taken a very correct view of the lively ballad singer and the sometimes vulgar grand lady. She acted consistently and intelligently throughout. Bellini proves himself to be a good comic singer, a thing he showed signs of last winter in "Fra Diavolo." His rendering of his part of the trio was very fine, and his acting throughout deserving of much praise. In the famous trio he and Rovere contested the palm of excellence. They both know just how far to go. Rovere is the best humorous actor that we have ever seen on that stage. His motions and expressions and utterances are all funny. We were much struck with the way in which he smoothed off the encore, as if it was a part of the opera, by saying to Bellini, "Io non ne ho inteso ninguna parola" (I did not understand a word you said), and requesting him to sing it over again. The encores were all acted with more spirit than before, and always with telling variations. The subordinate parts were well filled. Mr. Reichardt did very finely.

This opera was shamefully put upon the stage. Words are inadequate to express the meanness and carelessness of the scenery and decorations. The first scene is laid in Venice. Now we know, from what we saw a few nights ago in "Lucrezia," that there is scenery belonging to the Academy which will convey a faint idea of that water-city. This was not used; at the back we see high, steep mountains, far too high and precipitous, and crowded by too many castles to be taken for the Euganean Hills, which can only be seen on a clear day with the setting sun behind them. There are no canals, no gondolas, no St. Mark's, or any of the well-known signs of Venice. A plaza

is represented containing a *café*, an apothecary's shop, an inn, and two dwellings. None of them are Venetian in character. The second scene should represent a deserted place, not surely a thick forest, in Venice too, with a well singularly placed among the trees, with a vine-covered curb. The deserted place intended in the play was probably some small corner shut in by high walls, paved with broken stone, and with an old, carved marble well-hole in one corner. In the third act we are told that we see the interior of an apothecary's shop. If that is so, they had strange pharmacies in Italy in those days. We behold what seems to us that very roomy and strange study of Faust, with its huge stuffed crocodiles, and its skulls, its rows of jars and gallipots labelled "Sanguis Nig." and "Elixir." These few shelves and the specimens are all that it contains; no boxes or bags, no scales or counters, no furniture of any kind except a rickety table with pen and ink, and three chairs. Next we are shown rich apartment in the interior of *Doctor Crispino's* house. Very sumptuous, no doubt, with its panelled walls, and with a small table, with seats for six or seven, standing at the back. The table-cloth is dirty, the crockery of the cheapest description, and the whole entertainment such as *Annetta* would probably have given in her early poverty. The second evening this was better; the table-cloth had been washed, and the crockery was replaced by copper that seemed to have been once gilt. A small company of very plainly dressed people are ushered in, and look at the table with an expression that would seem to imply that they were not quite sure whether they wanted to sit at such a table. They cannot all sit down in any case. So some stand up, and all look wretched, and drink imaginary wine out of huge goblets.

The last act presents us with the subterranean dwelling of the fairy. It is a stone-built room in the midst of a cavern. Two tall cupboards, adorned with green snakes, stand on each side of what is supposed to be a mirror. Two huge statues stand in front—*Time* on the right and *Justice* on the left; both ugly, and very painty. Somehow the statues in the Academy are never white, but of some new kind of marble of a French-grey color. Suddenly vases of lights appear, and the cupboards open, displaying a singular mechanism of gas-fixtures, of no beauty and of not the slightest possible use. The wife and children of the cobbler are then seen in the mirror at prayer. That is a very pretty effect, and well done when the curtain will run smoothly, but praying is usually done in a kneeling and not a sitting posture. Then comes the grand transformation scene, when the lights go out, and the room changes to the house of the cobbler. The whole thing is poorly conceived, and very bunglingly managed. The carpenter would improve a little by study of the Bowery stage even. But of this scene the management is very proud, and mentions it in the bills. There may be some excuse for bad scenery in the bad construction and great size of the stage, but there is no excuse for a lack of effort to make the most of available means. The proscenium opening of the stage is by far too high, which necessitates the employment of painted curtains, and spoils all the effect of the scenery. The wings on either side of the boxes are set too far back, and are too large. The stage should seem set behind a frame, as in the Brooklyn Academy, and not, as here, a continuation of the body of the house. But, with care, even the difficulties arising from construction could be obviated. At all events, we expect more care given to the scenery than in any of the minor theatres. The reverse is the fact.

In "Il Crispino" we are willing to accept the costumes as correct (though we very much doubt it), because they were consistent with each other and were very good in color-effect. That is generally too little regarded. The principal characters here were very effective with their black velvet and their red brocade coats, their flowered silks, and their white tie-wigs, and looked as though they might have stepped out of one of Fichel's pictures. The choruses were, as usual, very shabbily and improperly attired. We hope the improvement last week will be a permanent one, as we were shocked, a few nights ago, to see in "Traviata," the scene of which is laid in Paris at the present time, all the men in the costume of the period of Charles I., while the ladies had on the latest style of dress and ornament.

In spite of all drawbacks and faults, "Il Crispino e la Comare" is a success. This is principally due to the acting. The play without the music would be almost as effective. The audiences each night were attentive, appreciative, and enthusiastic. More the manager cannot desire.

#### THE DRAMA.

##### THE NEW PLAY AT WALLACK'S.

IN this world of comedy lives a silly old woman with a weak, vain daughter of her own, and a beautiful and discreet daughter of her husband's. This silly old woman has a passion for medicine and offers doses her husband and servants constantly with the one, and constantly contrives the

other for her daughter, while she brutally snubs her step-daughter. Twice, with no visible reason that the spectator of the scene can understand, she gives her daughter away to men who have not asked for her, and once helps her to elope with an adventurer who supposed her an heiress. These interesting people are much visited by a fair, traditional being, whose father, dying on the field of battle, left a note in his pocket ordering her to marry Feargus Daly, a traditional Irishman, and son of the traditional friend of this traditional dead parent. As happens sometimes in real life, the young lady hates her betrothed before she has seen him, and, as often happens in comedy, loves him when they meet, and "will evidently marry him in the last act. She is a fascinating creature, with sweet traditional ways of bullying the men, and exposing her conduct to misconstruction by every imaginable device which beings in this world would avoid. Acquainted with these traditions is the legend of the young man whose legendary uncle has made a legendary will cutting him off without a shilling if he does not marry a lady with ten thousand pounds (dear, familiar sum!) before he is thirty; and this legend is resolved to wed the silly old woman's step-daughter, who has not so many pence to her portion. At last an idiotic good genius, in the white hair, red face, and drab trousers expressive of the qualities of philanthropy, prevails on the silly old woman's husband to refuse her medicine and to give his daughter to the legend just before his time expires for marrying before thirty a lady with the familiar sum of ten thousand pounds, which the idiotic good genius (being a *non compos* retired rich from the tallow business) bestows upon the snubbed daughter of the silly old woman's husband. It follows from these circumstances, which cannot be strange to the reader, that in the last act the four young people wed, and the well-known funkey marries the habitual serving-maid, and all, together with the silly old woman's husband, assist at a triumph over the silly old woman and her husbandless daughter and her wifeless son—she has a son, a *cretin* in the service of his country, with nothing of him but the eye-glass, the velvet coat, and the yellow whiskers which we know, and a habit of tottering through life on tiptoe.

All this is supposed to take place at a watering-place in England, and, as we inferred from remarks dropped by some of the characters, it is supposed to take place in one day. It is, therefore, a study of contemporary English society, and in that light is certainly very interesting. In this play, we behold a state of things which may well content us with our own civilization. There no one is actuated by any comprehensible motive except the sole purpose of marrying for money. It is curious to see with what ease these modern English people deceive themselves and one another, and one at last begins to understand why there was such general sympathy among them with our late rebellion; we behold them snared with as visible pretences and as shallow artifices as any employed to popularize the cause of the South among them. They have good qualities, however, and are very patient; they endure, all of them in this play, more insult and contumely than we had thought human nature capable of bearing; and it is curious to find that, with all the supposed severity of English deportment, young ladies suffer themselves to be embraced before they are made love to, and have habits of putting their hands on gentlemen's mouths and telling them to go away. Here we see, also, that two impudent adventurers may offer every impertinence to a lady in her own drawing-room, and not be kicked down stairs; while old gentlemen, retired rich from the tallow-trade, rather relish being alluded to as "persons," and addressed as "honest fellows," when these attentions are offered by people of gentle blood and breeding, on occasion of morning calls at their houses.

In fine, this new play of "The Needful," which a "Celebrated London author" has been good enough to bestow on our generation, and which was given to the New York public for the first time at Wallack's on last Thursday night, is a sum of melancholy absurdity, which nothing but superb scenery and all but faultless acting could render sufferable. We make the manager our compliments on the manner in which he has put the play on the stage, and offer him our condolence that he should have felt forced to put it there. In material and texture, shoddy itself is not more absolutely and worthlessly second-hand than this work of the "Celebrated London author." It represents no life that human beings ever led in the world, and only reflects the dullest and stupidest fiction to be seen on the stage. Its incidents are stale tricks, to be expected from the beginning; its characters are feeble coins of burlesque, with no claim to existence, and of their own motion could not pass from one action to another.

There was a large house to see the play, and the spectators behaved with angelic fortitude and patience, only a few persons, of delicate constitution, probably, leaving at the close of the second act, when the whole plot, such as it was, was developed, and nothing was left for the actors but to aimlessly walk through and talk through the three succeeding acts. This the poor souls

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did with a sweetness and resignation hardly less admirable than the conduct of the spectators; they must have been frightfully bored, but they did not spare themselves nor us. Their acting alone saved the piece; and a generous applause from the audience hailed the beautiful new scene of a pier on the Isle of Wight, which was so well painted that it sustained fainting nature throughout one of the longest, weakest, most witless acts of the interminable, stale, foolish play.

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